

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2889 OF 2021

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
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Date: 2023.08.28
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Shivaji Haribhau Ladkat Since Deceased
Through His Lrs. & Ors.

... Petitioners

V/s.

District Collector Pune & Ors.

... Respondents

**WITH
INTERIM APPLICATION NO.16847 OF 2022
IN
WRIT PETITION NO.2889 OF 2021**

Shivaji Haribhau Ladkat Since
Deceased Through his Lrs. Shraddha
Shivaji Ladkat & Ors.

... Applicants

V/s.

District Collector Pune & Ors.

... Respondents

Mr. Akshay Deshmukh with Mr. Sumit Choudhary for
the Petitioners.

Mr. Prabhakar M. Jadhav for respondent No.3.

Mr. Ravindra S. Pachundkar for respondent Nos.7, 9,
11, 12 & 14.

Mr. Sachin H. Kankal for the State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 28, 2023

P.C.:

1. By the impugned order both the Courts below have rejected interim relief application under Order 39 Rules 1 and 2 of the Civil Procedure Code, 1908, restraining the defendant from disturbing

access of plaintiff over the road which is the suit property. Both the Courts have recorded a finding that on the date of suit, the suit road was not in existence. The findings recorded by the Courts below being finding of facts, in writ jurisdiction such finding need not be disturbed. However, considering the nature of dispute between the parties, it would be in the interest of justice if the trial Court is directed to decide the suit within one year from today.

2. The trial Court is, therefore, directed to decide Regular Civil Suit No.398 of 2019 within one year from today.
3. It is made clear that the trial Court shall decide the suit uninfluenced by the observations made in the interim order while deciding the interim relief application.
4. The civil writ petition stands disposed of. No costs.
5. In view of disposal of the civil writ petition, interim applications stand disposed of.

(AMIT BORKAR, J.)