

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8265 OF 2024

Balkrishna Kalugir Gosavi & Anr ...Petitioners
Versus
Pimpri Chinchwad Municipal Corporation & Anr ...Respondents

Mr Swapnil S Dhage, *for the Petitioner.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 20th June 2024

PC:-

1. The learned counsel for the Petitioners submits that the Respondents are constructing the road through the Petitioners property in defiance of a judgment and decree dated 18th December 2013 in Regular Civil Suit No. 20 of 2011 instituted by the Petitioners.
2. The decree refers to a permanent injunction restraining the Defendants in the suit from constructing the road over the suit property without following the due process of law. The learned counsel points out that this decree was challenged by the 1st Respondent and such appeal was dismissed by the Appellate Court vide order dated 23rd March 2021.

3. The learned counsel for the Petitioners, on instructions, now seeks leave to withdraw this Petition with liberty to file appropriate proceedings before the appropriate Court for breach of the decree dated 18th December 2013 which is now attain finality.

4. Accordingly, we grant leave to withdraw this Petition unconditionally with liberty as prayed for.

5. If any proceedings are indeed filed by the Petitioners before the Civil Court, we are sure that the Civil Court will dispose of such proceedings, including proceedings for grant of interim reliefs as expeditiously as possible.

(Kamal Khata, J)

(M.S. Sonak, J)