



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.132 OF 2024

Shankar S/o Damdu Bagde .Vs. Subhash S/o Sitaram Bagde and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.R. Pimpalkhute, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 11/01/2024

1. The petitioner/original plaintiff filed a suit for declaration, permanent and mandatory injunction along with the application for temporary injunction which came to be allowed and thereby, the defendants were restrained from making any construction over the suit land on the Ramtek Panchala Road and not to narrow down the approach road of the plaintiff to reach his field Survey 265 till the disposal of the suit vide order below Exh.5 dated 14.09.2022. The said order was the subject matter of challenge before the District Judge-2, Nagpur in Misc. Civil Appeal No.214 of 2022. The learned lower appellate Court allowed the appeal and thereby set aside the order dated 14.09.2022.

2. In the present petition, the said judgment and order is impugned.

3. Admittedly, the injunction granted by the learned trial Court on 14.09.2022 was in operation till 27.10.2023. However, after passing of the impugned

judgment and order dated 27.10.2023, for about two months no steps were taken to file the writ petition and seek any interim relief.

4. Thus, there was no temporary injunction operating after 27.10.2023. Therefore, the petitioner was asked to file the latest photographs on record to show the present status of the construction. Accordingly, the petitioner has filed the latest photographs on record to show the present status of the construction, from which, it is evident that, the construction is completed and some finishing work is going on.

5. In the circumstances, I do not want to interfere with the impugned judgment and order and accordingly, the writ petition is **dismissed**.

6. The liberty is granted to move appropriate application if the petitioner so desires to claim any relief for which he is entitled in view of subsequent events recorded herein above.

7. The learned trial Court is directed to expedite the suit.

JUDGE