



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 WRIT PETITION NO. 4266 OF 2023

VIJAY KARBHARI SHINDE AND ANOTHER

VERSUS

NATIONAL HIGHWAY AUTHORITY THROUGH ITS GENERAL MANAGER
AND PROJECT DIRECTOR AND OTHERS

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Mr. Avinash M. Nagarkar – Advocate for Petitioners

Mr. V.T. Sakolkar – Advocate for Respondent No.1

Mr. D.B. Gaikwad – Advocate for Respondent No.2

Mr. V.S. Badakh – AGP for Respondent Nos.4 and 5, State

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioners challenge the judgment and order dated 31.01.2023 passed in Misc. Civil Appeal No.176 of 2022 below Exhibit 18 by the learned District Judge–3, Ahmednagar, whereby the appeal preferred by the petitioners came to be partly allowed and order dated 14.11.2022 passed below Exhibit 5 by the learned Trial Court in R.C.S. No.434/2022 was quashed and set aside.
3. Learned Counsel for the petitioners submits that while passing the order under challenge, the appellate Court has specifically observed in clause–3 that the respondents or anybody claiming through them are

temporary restrained from obstructing the approach way of the plaintiff till the decision of the suit. He further submits that during the pendency of the suit, the respondents have already completed the construction and they are causing total obstruction to the petitioners, who are in possession of the suit property including non-agricultural land as well as agricultural land.

4. Learned A.G.P. and learned Counsel for the respective respondents submit that, in case of breach of the obligation or violation of the injunction order, the petitioners are required to file appropriate proceedings under Order XXXIX Rule 2-A of the Code of Civil Procedure.

5. Considering the submissions and on perusal of the order dated 31.01.2023 passed in Misc. Civil Appeal No.176 of 2022 below Exhibit 18 by the learned District Judge-3, Ahmednagar, the petition is disposed of with liberty to the petitioners to file appropriate proceedings under Order XXXIX Rule 2-A of the Civil Procedure Code.

6. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE