



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

945 WRIT PETITION NO. 6825 OF 2022

Ismail Gudu Shaikh And Another
VERSUS
Manohar Ram Dudhbhate And Others

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Mr. V. B. Deshmukh, Advocate for the Petitioner
Smt. K. B. Patil-Bharaswadkar, Addl. G.P. for Respondents/State
Mr. Jeevan D. Khade h/f. Mr. S. J. Salunke, Advocate for Respondent
No.6
Mr. R. V. Naiknavare, Advocate for Respondent Nos.1, 3 To 5

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**WITH
CIVIL APPLICATION NO. 6430 OF 2025 IN WP/6825/2022**

Manohar Ram Dudhbhate And Others
VERSUS
Ismail Gudu Shaikh And Others

...

**CORAM : ROHIT W. JOSHI, J.
DATED : 27th JUNE 2025**

PER COURT :-

1. The petitioners in the present petition have filed Regular Civil Suit No.77 of 2011 seeking a decree for perpetual injunction with respect to the subject road which according to him does not exist. The same road which is subject matter of controversy in the said suit was subject matter of application filed under the provisions of Mamlatdar's Courts Act, 1906 by the present respondent nos.1 to 6. The Mamlatdar allowed the said application. Revision filed by the

petitioner came to be dismissed. Against these orders the present petition came to be filed.

2. After filing of the petition, civil suit filed by the petitioner came to be dismissed on 05.05.2024. Since a substantive civil suit with respect to the same dispute is dismissed on merits, the cause in the present petition has become infructuous since the decree passed in civil suit will prevail over any adjudication of application filed under Mamlatdar's Courts Act, 1906. Needless to mention that orders passed by Mamlatdar are always subject to decree passed by Civil Court.

3. The petition is disposed of accordingly. It is clarified that appeal, if any filed by the petitioner will be decided on its own merits in accordance with law.

4. Civil Application stands disposed of accordingly.

[ROHIT W. JOSHI, J.]