



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

127 WRIT PETITION NO. 14427 OF 2023

BABASAHEB PATILBA PATARE AND OTHERS
VERSUS
BABASAHEB BABAN NARSALE AND OTHERS

...

Advocate for the Petitioners : Mr. Shaikh Majit S.
Advocate for Respondent Nos. 1 to 7 : Mr. Shaikh Mazhar A. Jahagirdar
Advocate for Respondent No. 8 : Mr. Shaikh Joyeb I.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08.12.2025

PER COURT :

1. Heard the learned Counsel for respective parties.
2. The petitioners are assailing the common order dated 09.11.2023 passed below Exh. 22 by District Judge-2, Shrirampur, in Misc. Civil Appeal No. 26 of 2023 whereby, the appeal filed by the respondents came to be allowed.
3. I have gone through the order passed by the learned appellate Court. The Appellate Court has passed following order in Clause-4 of the operative part :

“ORDER

1.
2.
3.
4. *The Application at Exh. 41 of the defendants restraining the plaintiffs from causing obstruction or*

interference in using way passing through portion of their land out of Block No. 90/1 is allowed.

5.
6.
7.”

4. The learned Appellate Court has recorded finding in paragraph Nos. 29, 30 and 31 of the said order that the road was already in existence. It has relied upon the order dated 05.06.2023 passed by the Tahsildar, Shrirampur which was based on panchanama prepared during proceeding conducted under the Mamlatdar's Courts Act, 1906.

5. The learned Appellate Court has prima-facie considered the proceeding during the pendency of the suit and no perversity is found in its order. Therefore, I am of the view that no interference is warranted in the order dated 09.11.2023 passed below Exh. 22 by District Judge-2, Shrirampur, in Misc. Civil Appeal No. 26 of 2023.

6. In view thereof, the Writ Petition is dismissed. No order as to the costs.

(SIDDHESHWAR S. THOMBRE, J.)

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