

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4439 OF 2025

Suresh Ramlal Khairmode and Anr. ... Petitioners

V/s.

Chief Executive Officer of Yeola ... Respondents
Nagar Parishad

Mr. Pandit Kasar, for the Petitioners.

CORAM : N.J. JAMADAR, J.

DATE : 3RD APRIL 2025.

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1. Heard the learned counsel for the petitioners.
2. The challenge in this petition is to an order dated 6th March 2025, whereby the learned Civil Judge, declined to extend the ad-interim order dated 12th October 2023 passed on an application for temporary injunction.
3. By the said order dated 12th October 2023, the trial Court had restrained the defendant -Municipal Council by way of ad-interim injunction from demolishing the hotel in the property mentioned in Para 1-B i.e.10 x 12 ft space out of survey No. 91 situated within Municipal limits of Yeola, Tal-Yeola, Dist. Nashik till the appearance of the defendant.

4. By the impugned order, the learned Judge declined to continue the ad-interim relief as 30 days period was over.

5. Mr. Kasar, learned counsel for the petitioner, submits that the application for temporary injunction (Exhibit-5) is yet to be decided. There is an apprehension that on the basis of the notice issued by the Municipal Council on 25th September 2023, the subject premises may be demolished.

6. In the circumstances of the case, it would be expedient in the interest of justice that the application for temporary injunction (exhibit-5) itself is decided expeditiously.

7. The learned Judge seized with the application for temporary injunction in RCS No. 296 of 2023 is requested to hear and decide the said application as expeditiously as possible.

8. In the meanwhile, till the decision on the said application, if the Municipal Council desires to take any action on the basis of the notice dated 25th September 2023, three days prior notice be given to the petitioners.

9. Subject to the aforesaid clarification, the petition stands disposed.

(N.J. JAMADAR, J)