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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3167 of 2014**

Shri Motiram Gangadhar Gawali & ors.Petitioners
Versus	
Smt. Indubai Dnyaneshwar Gawali & ors.Respondents

Mr. M. S. Karnik, advocate for the petitioners.

CORAM : RANJIT MORE, J.

DATED : 28th March, 2014.

P.C.:

Heard Mr. Karnik, learned counsel appearing for the petitioners.

2. The petition arises out of proceedings under Section 5 of the Mamlatdars Courts Act. The Mamlatdar, Chandwad, by his order dated 6th March, 2013, allowed respondents' application and directed the petitioners to remove obstruction on the road in question. The order of the mamlatdar is confirmed by the Sub-Divisional Officer in revision filed by the present petitioners. The Mamlatdar relied upon panchanama, a copy of which is annexed at page 72. The panchanama clearly shows that the road in question was in existence, however, same was obstructed by the present petitioners. Both the courts below took into consideration the said panchanama as well as other evidence on record and recorded

the finding of fact about the obstruction by the petitioners on the said road and consequently, the petitioners were directed to remove the obstruction on the said road. The concurrent findings recorded cannot be interfered with in exercise of jurisdiction of this Court conferred under Article 227 of the Constitution of India, especially when they are supported by cogent evidence.

3. Mr. Karnik, at this stage, submitted that the petitioners have also filed Regular Civil Suit No.48 of 2014 in this regard against the respondents and the said suit is pending in the Court of Civil Judge, Senior Division, Niphad. Suffice it to direct the learned Judge to decide the said suit independently on its own merits and without being influenced by the order impugned in this petition.

4. Subject to above, the writ petition is dismissed.

(RANJIT MORE, J.)