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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8905 OF 2015

Madanlal Uttamchand Desarda

PETITIONER

VERSUS

Kamlakishor Brijlal Varma

RESPONDENT

.....

Mr. R. V. Gore, Advocate for the petitioner

Mr. D. L. Khivesara, Advocate for the respondent

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th SEPTEMBER, 2015

ORDER :

1. After hearing learned advocates for the parties for quite some length, it appears that the parties resile to a situation wherein care can be taken of the interest of both the parties.

2. Learned advocate for the respondent fairly submits that under the circumstances, his client is ready to file an undertaking before the trial court to the effect that in case construction is found to be encroaching upon CTS No. 6040, situated at Bohari Kathada, Aurangabad, upon the decision in litigation, he would cause removal / demolition of construction, which encroaches upon CTS No.6040.

3. Undertaking to aforesaid effect to be filed by the respondent within a period of six weeks from today.

4. In view of aforesaid, I deem it expedient that the trial of Regular Civil Suit No.1136 of 2014 pending before 2nd Joint Civil Judge, Junior Division, Aurangabad shall be proceeded with expeditiously.

5. Accordingly, writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]