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

WRIT PETITION NO.11175 OF 2015

Tuljiram Tukaram Darade & ors. ..PETITIONERS

VERSUS

Uttam Gena Darade & ors. ..RESPONDENTS

Mr Girish K.Thigale (Naik), Advocate for petitioners

CORAM : N.W. SAMBRE, J.

DATE : 24th November, 2015

ORAL ORDER :

The application Exh.28, filed by the objection petitioners and application Exh.33, filed by the petitioners herein-applicants before the learned Trial Court, in Misc. Civil Application No.129 of 2012, came to be decided by order dated 6th August, 2015, whereby the learned District Judge-2, Beed has partly allowed Exh.28 - application filed by the respondents herein and rejected application Exh.33 preferred by the petitioners, as a consequence whereof, respondents no.1 to 6 and 7 to 13 – applicants to the application Exh.28 were permitted to withdraw amount of Rs.1,02,880/- and Rs.1,03,529/-, respectively, in terms of decree passed in Regular Civil Suit Nos.362 of 2007 and 27 of 2008, on furnishing an undertaking in the form of an affidavit, that the amount shall be repaid as and when ordered by the said Court or this Court.

(2)

2. In my opinion, the view expressed in the orders impugned herein hardly needs any interference, as the observations made therein are based on the decree for partition passed in regular Civil Suit Nos.362 of 2007 and 27 of 2008, which is not questioned by the petitioners, though they were party to the same.

3. In view of above, no illegality is noticed in the impugned order. Thus, the writ petition fails and stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

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