

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

CIVIL APPLICATION NO. 8044/2015 IN SECOND APPEAL
NO.334/2015

MANDABAI ONKARRAO KHARAT AND OTHERS
VERSUS
LAXMAN NAMDEO BHOKRE AND OTHERS

Advocate for Appellants : Mr. Vibhute Sunil M.
Advocate for Respondents 1 to 4 : Mr.V. S. Bedre h/for
Mr.Badakh Vishal S.

CORAM : T. V. NALAWADE, J

DATE : 26th April, 2016

PER COURT :

1. This Court has today admitted the appeal. Hearing is given to the learned counsel for the respondents original plaintiffs on the present application. He placed reliance on many sale deeds, copies of which are taken on record.

2. This court has formed opinion that the road which was affecting the rights of Kharat could not have been given by Prakash Deshmukh to the vendors, plaintiffs and so the portion of the land of Kharat which is portion of Land Gat Nos. 168 and 169 cannot be used as cart-way. However, the common band lying between Gat No.168 and 169 can be used as footpath and the width of this common *bandh* will be as per the rules framed under Maharashtra Land Revenue Code for the purpose of boundary marks. Application is disposed in those terms.

(T. V. NALAWADE, J.)