

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

906 CIVIL APPLICATION NO.1612/2016 IN SECOND APPEAL  
NO.103/2016

GAHININATH IRAPPA KOMBADE  
VERSUS  
BHAGYASHRI DHANRAJ SHINDE AND LRS

...

Advocate for Applicant : Mr. Gundre Suraj V  
Advocate for Respondent No.1 : Mr V. D. Salunke

**CORAM : T. V. NALAWADE, J**

**DATE : 21st April, 2016**

**PER COURT :**

1. The application is filed for restraining defendant no.1 from making construction of any kind on the disputed portion.

2. This court has already considered the material and has admitted the second appeal after formulating substantial questions of law. In view of the observations made by this Court, this Court holds that defendant no.1 need to be prevented from making any further construction. However this order will not prevent the local body or Highway Authority from pulling down the construction made, if it is illegal. In those terms the application is allowed.

**( T. V. NALAWADE, J. )**