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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4297/2017

Venkat Govind Haridas & another.
...Petitioners..

Versus

Shriram Govind Haridas.
...Respondent...

.....

Shri V.D. Gunale, Advocate for petitioners.
Shri Dhananjay Deshpande, Advocate for respondent.

.....

CORAM: M.S. SANKLECHA, J.

DATE: 11.04.2017

ORDER :

1] This petition challenges the orders dated 15.12.2016 and 6.3.2017 passed by the learned Joint Civil Judge, Senior Division, Latur and in the appeal by the District Judge, Latur, respectively.

2] The impugned order dated 15.12.2016 rejected the petitioners' application for temporary injunction made in the suit claiming entitlement to Rs.3,93,000/- in respect of each of the two petitioners, aggregating to Rs.7,86,000/-, as having an equal share alongwith the

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respondent, in the amount of Rs.26,07,665/- received by the respondent in land acquisition proceedings. Being aggrieved by rejection of interim stay, the petitioners carried the issue in appeal to the learned District Judge. By the impugned order dated 6.3.2017, the learned District Judge also dismissed the appeal filed by the petitioners.

3] The petitioners as well as the respondent are real brothers and before partition, the brothers were together in home and business as members of the Hindu undivided family.

4] After the petition was argued for some time, Mr.Deshpande, learned counsel appearing for the respondent, stated that taking into account the fact that the dispute is between brothers, the respondent would file an undertaking in the trial Court within a period of four weeks from today, that in case at the final hearing of the suit, the Court comes to the conclusion that in the aggregate, a sum of Rs.7,86,000/- plus interest thereon is payable to the petitioners herein, he would deposit the same in the trial Court within four weeks of the order subject to the appellate remedies, if any,

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available to him. Mr.Gunale, learned counsel appearing for the petitioners, also agrees to above proposal.

5] In the aforesaid view, as the parties have reached an interim settlement till the final disposal of the suit filed by the petitioners, no orders are called for on this petition.

6] The petition is disposed of in above terms. All contentions of the parties are kept open.

(M.S. SANKLECHA, J.)