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

**CIVIL APPLICATION NO. 12074 OF 2016
IN
SECOND APPEAL NO. 297 OF 2009**

The Chairman,
Shri Gokul Ananda Patil,
Amalner of Proposed Saibaba
Co-op. Gruh Nirman Society,
Amalner, Dist. Jalgaon. ..APPLICANT

VERSUS

Bapusaheb Ranjit Gurud, died
through his L.Rs.
Pramila w/o Bapusaheb Gurud,
Age: 75 years, Occ: Household,
R/o. 64, Shivlok, National
Co-op. Housing Society, Baner
Road, Aundh, Pune-7 & ors ..RESPONDENTS

Mr A.D. Shinde, Advocate for applicant;
Mr K.D. Bade Patil, Advocate for respondent Nos.
1A, 1B and 2;

CORAM : N.W. SAMBRE, J.

DATE : 27th JUNE, 2017

ORAL ORDER :

The respondents, particularly respondent
Nos. 1A, 1B and 2 through Mr. Bade, learned Counsel
have tendered an undertaking that they would take
appropriate steps for securing property by erecting

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wire fencing and such fencing will be erected within a period of four months from today.

2. Since it is assured orally before this Court that the respondents shall not create any third party interest, in my opinion, the undertaking needs to be accepted, as not objected by the appellant.

3. Respondent Nos.1A, 1B and 2 are at liberty to erect fencing and shall submit compliance report of the action taken in compliance with the undertaking that they have completed work within period of four months from today. It is further made clear that the said respondents will not claim any equity based on the said events.

4. In view of above, present civil application no more survives. The same stands dismissed with above observations.

(N.W. SAMBRE, J.)