

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

BENCH AT AURANGABAD.

**CIVIL APPLICATION NO.178 OF 2017
IN
SECOND APPEAL NO.436 OF 2011.**

Vasant S/o Dada Kharat ... Applicant.

Versus

Kadubai W/o Ramrao Folane
and others. ... Respondents.

...
Mr.V.R.Dhorde, advocate for the applicant.
Mr.Nikhil Ghanvat, advocate for Respondent No.1.
Mr.Yuraj Kakade, advocate for Respondent No.2.
...

CORAM : N.W.SAMBRE, J.

Date : 28.07.2017.

PER COURT :

1. After having heard respective counsel for some time, the present application can be disposed of by following order :

ORDER

(i) The non-applicants-Respondents to the

Second Appeal may carry out the development which is the subject matter of the application subject to final out-come of the appeal. However, the Respondents shall furnish an undertaking before this Court within a period of six weeks from today, undertaking that in case if appeal is allowed the respondents shall undo the damage by removing construction and restore the property to its original at their own costs.

(ii) If undertaking is not furnished as directed, there shall be injunction against the Respondents from carrying out any development on the suit property.

(iii) The Civil Application stands disposed of in above terms.

(N.W.SAMBRE, J.)

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