

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

**WRIT PETITION NO.10048 OF 2017**

**JAGANNATH BHIMAJI PAKHARE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri N. K. Kakade h/f.  
Shri M. R. Khutwad

AGP for Respondent Nos. 1 to 5 : Shri S. K. Tambe  
Advocate for Respondent No.6 : Shri P. R. Katneshwarkar h/f.  
Shri A. G. Ambetkar

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**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 05<sup>th</sup> DECEMBER, 2018.**

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***PER COURT :***

1. The learned Advocate Shri Kakade appearing on behalf of the petitioner Jagannath and Shri Kathneshwarkar appearing on behalf of respondent No.6 Mhatardey, who are real brothers, have consulted the two brothers present in the Court.

2. A white paper bearing the Photostat impression of the map at page No. 44 is used for demarcating the portions through which these two brothers would permit each other to travel and use the said path even as a cart way for the

purposes of conducting their agricultural activities. The said white paper which bears the sketch map and the directions is added to the petition paper book as page No.44 A which shall be the document for reference.

3. In consultation with the said two brothers, it is agreed that Jagannath would permit Mhatardev to use the path marked in yellow bordering Gat No.168/1 which belongs to Jagannath. The said path will be on the borders of the said Gat land with Sy.No.171 on the east side. In reciprocation of this gesture, Mhatardev will permit Jagannath to use the path marked in red on the border of Sy.No.168/4/1 which belongs to Mhatardev and which is bordered on the east side by Survey No. 171 and 176 in parts and 168/4/2 on the south side. Since 168/3 belongs to Jagannath he is satisfied with the path marked in red being permitted by Mhatardev to be used by him.

4. The learned Advocates have obtained the signatures of Jagannath and Mhatardev on the said document page 44 A and the learned Advocates have also signed on the same. It is

then jointly submitted that the dispute between the two brothers is brought to an end with this arrangement. They would abide by their assurance which is an undertaking given to the Court. They would cite this arrangement before the revenue authorities and the civil Courts in the pending proceedings and would seek an amicable disposal of the said proceedings.

5. In view of the above, this Petition is disposed off in terms of the said agreement at page 44 A which shall be a part of this order and if the litigating sides seek a certified copy of this order, page 44 A will be a part of this order and, therefore, will also be supplied as an attachment to the certified copy of this order.

**(RAVINDRA V. GHUGE, J.)**

shp/-