

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

902 WRIT PETITION NO.11895 OF 2014

Devchand Bidrichand Teli
and others

... Petitioners.

Versus

Shri Vitthal Mandir Sansthan
Pimpalgaon Hareshwar,
Pachora

... Respondent.

....

Mr. Rajendra S. Deshmukh, Advocate for the Petitioners.
Mr. A.G. Talhar, Advocate for Respondent.

....

CORAM : V.L. ACHLIYA, J.

DATED : 17th APRIL, 2018

PER COURT:-

1. Learned counsel for the petitioners seeks leave correct the name of petitioner no.7. Leave granted.
2. As per the statement made on 13.04.2018, the petitioners have filed undertaking to vacate and hand over possession of land which is the subject matter of the petition to sole-respondent on or before 31.05.2018. The undertaking given by the petitioners is taken on record and marked as 'X' for identification.
3. Learned counsel for the petitioners submits that undertaking is signed by 11 petitioners who are alive. He submits that petitioner no.3-Kiran Narayan Patil, petitioner no.4-Arun Narayan Patil, petitioner no.9-Sow. Mangalabai W/o Premraj Patil and petitioner no.9.1-Premraj Rajaram Patil are no more alive. The

undertaking is signed by the legal heirs of petitioner nos.3, 4, 9 and 9.1. He further submits that the affidavit is sworn by Mr. Subhash Narayan Patil i.e. petitioner no.5 who is personally present along with Mr. Bhushan S/o Rajendra Teli who is the grandson of Mr. Devchand Bidrichand Teli i.e. petitioner no.1. The undertaking given is accepted.

4. The petition is dismissed. However, the Petitioners are granted time till 31.05.2018 to vacate and hand over vacant and peaceful possession of land which is subject matter of petition to the respondent. Failure to vacate the premises and hand over possession as per the undertaking, the respondent will be at liberty to prosecute and adopt appropriate proceeding, to secure the possession besides the action for committing breach of undertaking.

(V.L. ACHLIYA)
JUDGE

SPR

