

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 13925 OF 2017

VITHABAI MADHUKAR KHARMALE AND OTHERS
VERSUS
GAUBAI KESHAV SHELKE AND OTHERS

.....

Advocate for Petitioners : Mr. Gawali Amol K.
Advocate for Respondents : Mr. Gaware Niteen V.

.....

CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2018

PER COURT:-

1. The learned counsel for the respondents, on instructions, submits that the petitioners/original defendants have completed construction of the house and even started residing in the said house.

2. Learned counsel for the petitioners has also accepted that in para 9 of the impugned order, the lower appellate court has observed that the plaintiffs nowhere claimed a relief of injunction restraining the defendants from raising their construction within their boundaries. It further appears from the observations made by the learned District Judge-7, Ahmednagar

that the learned District Judge has allowed the application exhibit 5 only for the reason that while constructing the house, the petitioners/defendants shall take care of the suit wall on which the respondents/plaintiffs' house rests. Clause (2) of the operative part of the impugned order is very specific in this regard.

3. In view of the above, the learned counsel for the petitioners, on instructions, seeks leave to withdraw this Writ Petition. The learned counsel, however, submits that the trial court may be directed to decide the suit as expeditiously as possible.

4. In view of the above, without prejudice to the defence raised by the petitioners/defendants in the suit, leave granted. The Writ Petition is disposed of as withdrawn. The trial court is hereby directed to decide the suit as expeditiously as possible, preferably within a period of six months from today.

(V. K. JADHAV, J.)

vre/