

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12174 OF 2018
(Krishna Vasantrya Hazare Vs. Rameshwar Ashokrao Waghmare and
others)

Mr.N.L.Jadhav, Advocate for the petitioner.
Mr.M.P.Tripathi, Advocate for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/10/2018

PER COURT :

1. The contesting respondent Nos. 1, 2 and 3 have appeared on caveat. Learned Advocate for the petitioner submits that respondent No.4 is a non contesting respondent and the petitioner is claiming his share through Sakharam who had purchased the property from Mandabai. Since Mandabai is not a contesting party, he seeks leave to delete. Leave granted. Deletion be carried out forthwith.

2. I have heard the learned Advocates for the respective sides.

3. Learned Advocate for the original plaintiffs, who are decree holders, submits that these petitioners have a right to only ½ share of the house property and the commercial shop. The decree is also to this effect. They have already received their share in the house

property and are claiming $\frac{1}{2}$ share in the commercial shop which would not affect the petitioner in any way. They restrict their claim to a $\frac{1}{2}$ share in the commercial shop.

4. With the above statement made, learned Advocate for the petitioner submits on instructions from the petitioner who is present in the Court that the said statement satisfies the petitioner and this petition can be disposed of.

5. Considering the above and the statement made, this petition is disposed of. Learned Advocate for the petitioner further submits that RD No.02/2012 can be disposed of to the extent of $\frac{1}{2}$ share of the decree holders in the commercial shop. The said statement is recorded and the litigating sides shall bring this to the notice of the Executing Court and seek appropriate orders in this regard.

6. All contentions of the parties are kept open to the extent of the grievance of the appellants before the Appellate Court.

(Ravindra V.Ghuge, J.)