

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11138 OF 2017

Annasaheb Bandu Kamble	...	Petitioner
V/s.		
Dulhan Vilas Kadam & Ors.	...	Respondents

- Mr.Yashodeep Deshmukh i/b. Mr.M.Y. Patel for the Petitioner.
- Mr.Sandeep S. Koregave for Respondent Nos.1 to 4.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th FEBRUARY, 2018.

P.C. :

1] Heard learned counsel for the Petitioner and learned counsel for Respondent Nos.1 to 4.

2] On instructions of Respondent No.4-Sachin Vilas Kadam, learned counsel for Respondent Nos.1 to 4 submits that the Respondents are ready to deposit the amount of Rs.70,000/- in the Court within three months from the date of this order and subject to that condition, the impugned order passed by the Ad-hoc District Judge-1, Kolhapur on 1st September, 2017, in Miscellaneous Civil Appeal No.150 of 2017 be continued and confirmed; and Respondents be permitted to carryout further construction over the suit property.

3] Learned counsel for the Petitioner, on instructions of the Petitioner, who is present in the Court, submits that he has no

objection to accept the proposal given by learned counsel for the Respondents.

4] Hence, taking into consideration the fact that the Petitioner and the Respondents are cousin brothers *inter-se* and the matter should not be dragged, but should be decided amicably in this Court between the parties, Writ Petition is disposed of by following order :-

- i) The Writ Petition stands disposed of as dismissed.
- ii) The impugned order passed by the Ad-hoc District Judge vacating the order of interim stay granted by the trial Court is confirmed.
- iii) The Respondents are allowed to carryout the construction over the suit property subject to deposit of the amount of Rs.70,000/- in the trial Court within three months from the date of this order.
- iv) The trial Court to invest the amount of Rs.70,000/- in the fixed deposit and at the time of final judgment, to pass appropriate order as regards the payment of this amount of Rs.70,000/- with interest accrued thereon.
- v) It is made clear that, all the contentions raised by the parties kept open and the amount is deposited without prejudice to the rights of the Respondents.

[DR.SHALINI PHANSALKAR-JOSHI, J.]