

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

WRIT PETITION NO.13309 OF 2019

RAJARAM KASHINATH MOKATE AND ANOTHER
VERSUS
THE TAHSILDAR NAGAR AND OTHERS

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Advocate for the Petitioners : Shri Bedre Vinayak Sudhakar
AGP for Respondent 1 : Shri N.T.Bhagat
Advocate for Respondents 2 and 3 : Shri A.K.Gawali

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th November, 2019

Per Court:

1 This matter was heard for quite some time. The maps placed on record at pages 36 and 37 have been perused. I have considered the three orders in favour of the respondents/ defendants, wherein, concurrent findings have been arrived at thereby, permitting the respondents to use the path as per the order of the Sub Divisional Officer dated 19.10.2018, under Section 143 of the Maharashtra Land Revenue Code, 1966.

2 After hearing the learned advocates for the respective sides, I proposed to the learned advocate for the petitioners that he would abide by the said order without prejudice to his rights and no equities would be created in favour of the respondents by implementing the said order.

3 The learned advocate has taken instructions from the son of petitioner no.1 (Rajaram Mokate) that the parties would abide by the said order as a temporary measure and the suit bearing RCS No.628/2018 be decided on it's own merits, without any equities being created in favour of the respondents. The learned advocate for the respondents is agreeable.

4 In view of the above, this Writ Petition is disposed off by observing that the parties would abide by the orders that would govern the litigating sides. The respondents would use the granted way as a temporary measure and no equities would be created in their favour. The suit shall be decided by the Trial Court on it's own merits and without being influenced by the interlocutory orders.

kps

(RAVINDRA V. GHUGE, J.)