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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12846 OF 2017**

Raghunath Namdeo Botre & Ors Petitioner

V/s

Shri Jagunnath Kashinath
Pawar, Through his legal Heirs:
1A Smt. Indubai Jagannath Pawar
since deceased, Through legal Heirs
1A-1] Bhimsen Jagannath Pawar
and Others Respondents.

Mr. Sanjiv A. Sawant for the Petitioner.
Mr. Sugandh Deshmukh for Respondent No. 1-C
Mr. S.S. Panchpor, AGP for Respondent Nos. 2 and 3.

CORAM: NITIN W. SAMBRE, J.

DATE: 12th July, 2019

P.C.:-

1] Petitioners are claiming their right to the property in question being Gat No.269, ademeasuring 65 yards at Village Khalumbre, Taluka Khed, District Pune through registered Sale Deed dated 04/08/1969. The original owner Bhau executed Sale Deed in regard to the very same property on 02/01/1978 in favour of Respondent

No.1 to the Petition. In response to the aforesaid Sale Deed of 02/01/1978, Mutation Entry No.165 came to be recorded on 06/08/1978 in favour of Respondent No.1, which is a subject matter of challenge in this Petition. Parties to the Petition, upto now, had six rounds of litigation before the revenue authorities i.e. from Sub-Divisional Officer to State Government. In the intervening period, present Petitioners filed a suit for declaration and possession being RCS No.139 of 2009 which is pending on the file of Civil Judge, Junior Division, Rajguru Nagar, Taluka Khed, whereas Respondent No.1 filed RCS No.151 of 2011 simpliciter for injunction against the Petitioner.

2] In the aforesaid background, rival submissions of the parties to the Petition are appreciated. In response to the Court's query, the learned Counsel for Respondent No.1, on instructions, makes a categorical statement that till aforesaid both the suits are decided, Respondent No.1. by himself or through his agent etc., shall not create any third party interest in the suit property. Since the statement is made on instructions, the same is accepted as an undertaking to this Court.

3] In view of the aforesaid submission, learned Counsel for the Petitioners made a motion for withdrawal of the Petition.

4] The learned Principal District Judge, Pune is requested to issue orders of clubbing RCS No.139 of 2009 and RCS No.151 of 2011 pending between the Petitioners and Respondent No.1 herein on the file of learned Civil Judge, Junior Division, Rajguru Nagar, Taluka Khed, District Pune.

5] With the above observations, Petition stands disposed of as withdrawn.

(NITIN W. SAMBRE, J.)