

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

CIVIL APPLICATION NO.12631 OF 2019 IN WP/204/2019

SHRIRANG MALHARRAO AGHAV AND OTHERS
VERSUS
DIGAMBER SITARAM AGHAV AND OTHERS

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Advocate for Applicants : Mr S.G. Jadhavar
Mr K B Jadhavar AGP for respondents-State 8-13.
Advocate for Respondents 1-7 : Mr. M P Kale

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CORAM : V.K. JADHAV, J.
Dated : January 10, 2020

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PER COURT :-

1. Heard both sides.
2. By way of this civil application, the applicants are seeking modification or clarification in the order dated 3.9.2019 in writ petition no.204 of 2019. Learned counsel for the applicants submits that respondents are taking undue advantage of the order passed by this Court and created a new way from the land of the applicants.
3. By order dated 3.9.2019 while disposing off the writ petition in paragraph no.4, this Court (Coram: Ravindra V. Ghuge, J.) has observed that "the record clearly indicates that there is a foot-way in the suit

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property at issue. The respondents/agriculturists, though had claimed for a cart road, their said request has not been granted and the obstacle created by the petitioners in the foot-way has been cleared. The foot-way has been stated to be in use for a long time. Further, this Court has also given reference in the said order that the Revisional Authority has also also concluded that there is no cart road and what is found to be used for a long time is the foot-way.”

4. In paragraph No.6 of the order this Court has recorded the statement of the counsel appearing for respondent nos.1 to 7 which also clearly indicates that the other side also insisted for the foot-way and not for the cart way. There is no reason to modify or clarify the order dated 3.9.2019. In case, if the applicants are aggrieved by any subsequent act of the respondents, the applicants may seek the redressal of their grievance in the pending suit. In view of the same, civil application is disposed off.

(V.K. JADHAV, J.)

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