

**Bharat
D.
Pandit**
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3] Respondents/Plaintiffs filed Misc. Civil Appeal No.68 of 2018 since injunction as prayed was not granted. The said appeal came to be allowed by the learned District Judge-1, Barshi.

4] I have heard respective Counsels at length.

5] The learned Counsel Counsel for Respondents/Plaintiffs on the instructions of one of the Plaintiffs who is claimed to be present in court, informs that Plaintiffs have no objection for honoring the order of Tahasildar **provided that alignment of the road is from the boundary and not through the field.** However, there should be a rider that said way shall be used by the Petitioners only for carrying out agricultural activities and other than the road mentioned in the order of Tahasildar dated 27/2/2018, Petitioners shall not create any other way during pendency of the suit.

6] The learned Counsel for the Petitioners submits that throughout the proceedings, same was the case of the Petitioners and that being so, Petitioners shall use the way granted by Tahasildar in order dated

27/2/2018 only for agricultural purpose. It is also informed that during pendency of suit, other than the road granted by Tahasildar, no other right of way shall be claimed in the suit.

7] In view of above statements which are accepted as undertaking to this Court, Petition stands disposed of.

However, it is clarified that road permitted to be used should be a workable solution i.e. substitute to the road granted by the Tahasildar.

(NITIN W. SAMBRE, J.)

Corrected as per order dated 11.3.2021