

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

901 WRIT PETITION NO.4156 OF 2017

PANDURANG BHANUDAS SHELKE AND ANOTHER  
VERSUS  
ASHOK SUGAMCHAND MUTTHA AND OTHERS

...  
Advocate for Petitioners : Mr Laxman H. Kawale  
Advocate for Respondent Nos. 1 to 4 : Ms Akshara Madake h/f Mr S..S.  
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**CORAM : SANDEEP V. MARNE, J.**  
**DATE : 20<sup>th</sup> DECEMBER, 2022**

**PER COURT :**

1. By this petition, order dated 11.01.2017 passed by Jt. Civil Judge, Junior Division, Ambajogai, Dist. Beed issuing arrest warrant against petitioner (Judgment/debtors) is challenged.
2. After hearing the present petition on 09.12.2022, the learned counsel for petitioners sought time to file undertaking to the effect that petitioners are not in possession nor would they claim possession of the suit property.
3. Learned counsel for petitioners submits that petitioner No.1 is no more. He has tendered undertaking of Sunita Pandurang Shelke (petitioner No.2) stating that that she is not in possession of the suit property and that she shall not claim possession thereof. The undertaking is taken on record and marked 'X' for identification.
4. In view of the fact that petitioner has filed undertaking before this Court not to claim possession of the suit property, no purpose would

be served in implementing the impugned order of Court dated 11.01.2017.

5. Accordingly, accepting the undertaking tendered by petitioner No.2, the writ petition is disposed of.

6. Petitioner is permitted to withdraw the amount of Rs.20,000/- (Rupees Twenty Thousand Only) deposited in this Court.

**[ SANDEEP V. MARNE, J.]**

mta