

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7873 OF 2023**

GOUHAR FATEMA AREFODDIN DASTGIR GPA OF
AREFODDIN GULAM DASTGIR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Ms. Sharada P. Chate, Advocate for the Petitioner.
Mr. S. B. Yawalkar, AGP for Respondents-State.

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.
DATE : 10th JULY, 2023.**

PER COURT:-

1. The petitioner is a GPA holder, wife of one son of respondent no.5. Respondent no.6 is the second son of respondent no.5. The dispute is that respondent no.6 is illegally erecting a construction on the share of land of the husband of the present petitioner.

2. A private dispute between two brothers with regard to the illegal construction is brought before this Court. The case has the trappings of the civil nature and the parties need to approach the Civil Court, subject to the law of limitation.

3. In view of the above, **this petition is disposed off.** If the issue of limitation crops up, the time spent by the petitioner in this Court from 31.01.2023 till the passing of this order, would be considered as a ground for condonation of delay, besides other grounds.

**(Y. G. KHOBRAGADE)
JUDGE**

**(RAVINDRA V. GHUGE)
JUDGE**