



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

912 WRIT PETITION NO. 14414 OF 2023

Pandurang Madhavrao Shelke

(Died) through Legal Heirs,

- 1] Baburao Pandurang Shelke
- 2] Ramesh Pandurang Shelke
- 3] Vijaykumar Pandurang Shelke
- 4] Vyankat Pandurang Shelke
- 5] Sau.Bharti Shriram Gojamgunde
- 6] Bablu @ Somnath Baburao Shelke .. **PETITIONER**

VERSUS

Shankar @ shankardev Narsing Shinde .. **RESPONDENTS**

...

Advocate for the petitioners : Adv.S.S.Manale

Advocate for Respondent : Adv.H.B.Nandagavale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18.01.2024

P.C. :

- 1] Liberty to amend.
- 2] The undertaking filed on behalf of added respondent is taken on record.
- 3] The order dated 26.09.2023 passed by the District Judge-4, Latur in Misc. Civil Appeal No. 87 of 2023 is modified to the extent of clause nos.4 and 5 that the

petitioners are permitted to induct added respondent. In terms of undertaking, in the event the suit is decreed against the defendants, the added respondent would abide final orders passed by the Court.

4] In the event, if any, there is additional construction on the disputed property, the defendant no.6 undertakes that he would demolish the same and hand over the vacant possession of the land in the event decree is passed against him. Such undertaking will be filed in this Court within a period of four weeks from today. Undertaking would be restricted only to the extent of further construction.

5] The Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC