



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

**CIVIL APPLICATION NO. 2597 OF 2024
IN
SECOND APPEAL NO. 971 OF 2005**

Kripalkaur Daulatsingh Nirmale .. Applicant

Versus

Sardar Surender Singh Ajib Singh
and others .. Respondents

Ms. Aummaheshwari S. Jadhav, Advocate for the Applicant.
Shri Rajendra S. Deshmukh, Senior Advocate a/w Ashwini
Deshmukh, Advocate i/by Shri Devang R. Deshmukh, Advocate
for the Respondent No. 1.
Shri V. S. Badakh, A.G.P. for the Respondent No. 4.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 13TH OCTOBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Present civil application is for permission to raise compound wall to safeguard the subject matter.

3. Learned counsel for the applicant submits that second appeal is admitted by formulating substantial question of law. The subject matter is a open plot accessible to the public and it is likely to be encroached as there is neither fencing, nor compound wall. It is submitted that in the interest of justice and to

preserve the property permission be granted.

4. Learned senior counsel Mr. Rajendra Deshmukh for the respondent No. 1 has not serious objection for fencing the property.

5. I am inclined to allow the application partly to the extent of granting permission to the applicant to raise a fencing around the suit property so as to safeguard it from the encroachment. I propose to list second appeal for final hearing after Diwali Vacation.

6. The civil application is partly allowed permitting the applicant to erect a fencing around the suit property. However, it is made clear that the permission granted today is without prejudice to the substantive rights and liabilities of the parties which shall be subject to outcome of the decision of second appeal. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25