

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15140 OF 2025

Dagadu Chindu Dhangar

VERSUS

Kesharsing Devram Patil And Others.

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Advocate for Petitioner : Mr. G. V. Wani

Advocate for Respondent-1 : Mr. J.V. Patil

CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 18, 2026

ORDER :-

1. This matter is moved for speaking to the minutes of order dated 16.2.2026.
2. Learned advocate appearing for respondent no.1 submits that, in paragraph no.12 of order, consequences of execution of decree resulting in modification/cancellation of order of injunction, is not appearing. Hence, requested to modify the same.
3. Considering submissions advanced, paragraph no.12 of the order dated 16.2.2026 is modified as under :-

“12. In result writ petition is **allowed** in terms of prayer clause “B”. The order dated 11.7.2023 passed by the Trial Court below Exhibit-6 in Special Civil Suit No.95 of 2023 stands **restored**. Needless to state here that aforesaid order shall be subservient to the decree passed in partition suit i.e. R.C.S. No.149 of 2008 and shall not be an impediment for its execution. The respondent no.1 shall be at liberty to seek equitable partition in terms of the law laid down in case of **Khemchand Choudhary and another (supra)**. Once final decree is passed in R.C.S. No.149 of 2008 and parties are put to the possession of respective shares, further rights of the parties shall be subject to outcome of the decree passed in Special Civil Suit No.95 of 2023.”

4. Necessary corrections be carried out and corrected order be uploaded accordingly.
5. Motion for speaking to the minutes stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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aaa/-