

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8327 OF 2015

Bhiku Tukaram Bhakre and ors. : Petitioners.
Versus
Mandabai Pandurang Kolhe : Respondent.

Mr. P P Deokar for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 26th August 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 18/06/2015 passed by the learned District Judge-1, Malshiras by which order the Application (Exhibit 13) filed by the Respondent in the Appeal pending before the Lower Appellate Court came to be allowed and the Respondent was permitted to erect temporary tin shed in place of their old house or in front of that house for the purpose of their residence.

2 The Appeal in question being Civil Appeal No.61 of 2012 has been filed by the Petitioners challenging the decree passed in Regular Civil Suit No.298 of 2001 which decree is dated 30/07/2012. It is in the said Appeal filed by the Petitioners, that the Respondent i.e. the original Plaintiff filed an application for being permitted to put up a tin shed for his residence in view of the fact that his house is in a dilapidated condition. In support of the said case, the Respondent in the Appeal relied upon photographs of his old house.

3 The Lower Appellate court having regard to the said photographs and having regard to the fact that the respondent is the decree holder as also having regard to the undertaking given by the Respondent to remove the tin shed in the event the Appeal is decided against him, allowed the said application (Exhibit 13).

4 In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]