

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2676 OF 2014

IN

WRIT PETITION NO.2375 OF 2000

Ganpat Ramchandra Kale and others

.. Applicants

IN THE MATTER BETWEEN

Magazine Bungalow Bhadekaru Malki

Sahakari Graha Nirman Sanstha Maryadit

and another

...Petitioners

Versus

The Collector, Satara and others

.. Respondents

Shri. D. D. Ranavare, for the Applicants.

Mrs. Varsha Palav, for the Respondents (Original Petitioners).

CORAM : R.M. SAVANT, J.

DATE : 24th MARCH, 2015

PC.

1. The above Civil Application has been filed seeking modification of the order dated 25.11.2011 passed in Civil Application No.2136 of 2011 filed in the above Petition. The modification sought is to relax the condition which is mentioned in paragraph 2 of the said order, whereby the Applicants were permitted to alienate and transfer their respective plots/bungalows subject to the condition that in the Deed of

Transfer/Alienation, to be executed in whatever manner, a specific clause regarding pendency of the Writ Petition in this Court should be incorporated clearly stating that the purchaser will purchase the property subject to the final outcome of the Writ Petition and will not claim any equity whatsoever. The said order has been passed in the above Civil Application filed by the Applicants above named. The said application was filed for modification of the order of status-quo as the Applicants had contended that in view of the order of the status-quo, they are unable to carry out repairs or alienate their respective plots and bungalows. A Learned Single Judge, of this Court (Girish Godbole, J) permitted the Applicants to carry out repairs and renovation of the respective bungalows albeit by imposing the condition which has been referred to in the earlier part of this order. Hence, the Learned Counsel for the Applicants was heard whilst passing the order dated 25.11.2011. Whilst seeking the relief sought in the above Civil Application i.e. Civil Application No.2676 of 2014 reliance is sought to be placed on the order dated 14.08.2009 passed in Civil Application No.1261 of 2007 filed in the above Writ Petition, which order was passed by another Learned Single Judge of this Court (D. B. Bhosale, J). The said order dated 14.08.2009 was very much in the field when the order dated 25.11.2011 was passed in Civil Application No.2136 of 2011 and it would therefore have to be presumed that the said order

dated 14.08.2009 was brought to the attention of the Learned Judge who passed the order dated 25.11.2011. Hence, there being no change in circumstances, the relief sought by the Applicants in the above Civil Application cannot be granted. The Civil Application is accordingly rejected. Since the Petition is of the year 2000, list the Petition for final hearing in the week commencing 15.06.2015 with liberty to the Applicants to apply for a fix date of hearing.

[R.M. SAVANT, J]