

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.638 OF 2015
IN
FIRST APPEAL NO.1527 OF 2010

Jagannath Sakharam Upade ... Appellant
vs.
Anita Shripat Patekar and Another ... Respondents

Mr. Kantilal Kanojia i/b. Mr. P.N. Patwardhan, for the Appellant.
Mr. S.C. Kanojia, for Respondent Nos. 1 and 5.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **23rd OCTOBER, 2015**

PC.:

. This application is moved as there is breach of the order dated 5th May, 2014 passed by the Court in Civil Application No. 1554 of 2014 in First Appeal No. 1527 of 2010. By the said order, this Court has restrained the Respondents from in any manner obstructing or preventing the Applicant and his family members from filling and collecting water from the taps situated in the compound of the suit property. They are further restrained from in any manner opposing, obstructing or interfering with the work of the BEST authorities of

sanctioning, granting, providing and installing electricity connection, meter and supply of electricity to the Appellant.

2. Today the Respondents-Contemnors are present before the Court. They have filed an affidavit in reply. The applicant has lost in the trial Court as his suit was dismissed and hence, this Appeal is filed. During the pendency of this Appeal, Civil Application was taken out wherein the Court has given specific direction. The learned counsel for the Applicant submits that since last one year the applicant is fetching water from the common tap. The learned counsel for the Respondent submits that they did not allow him to fetch the water because the applicant is asking for the receipt in order to create evidence in his favour. He is not a member of the society. However, he submits that in respect of the aforesaid connection, the Contemnor have not obstructed the Applicant in any manner. He further submits that hereinafter the Respondents/society members will not obstruct the Applicant or his family members to take water from the tap as mentioned in the impugned order dated 5th May, 2014.

3. Under such circumstances, the statement made by the

learned counsel for the Respondents is accepted. Hence, Civil Application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)