

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.730 of 2012

In

Second Appeal No.282 of 2008

(Jayashree Vijay Pilankar and others v. Balkrishna Kashinath Pilankar and
others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Rohit Joshi, Advocate, holding for Ms Gauri Godse,
Advocate for Applicants.

Shri Dushyant Purekar, Advocate for Non-Applicants.

Coram : R.K. Deshpande, J.

Dated : 16th June, 2015

This civil application seeks permission to carry out the construction near eastern boundary of Gat No.2672 behind the existing cattle shed in 23.1 gunthas out of Gat No.2672, as shown in the plan annexed at Exhibit 4.

The matter was listed before this Court on the last occasion, and the learned counsel for the non-applicants/original appellants was asked to take instructions as to whether the construction proposed can be carried out at the risk of the applicants without claiming any equity in the event the second appeal succeeds.

The learned counsel for the appellants has taken instructions. He submits that the matter can be disposed or can be referred to Mediator. He further submits that the applicants should be furnished an undertaking to the effect that they shall not

create any equity and they shall construct the premises at their own risk.

In view of above, the civil application is allowed. The applicants shall carry out the construction, as proposed in the application, upon furnishing an undertaking before this Court to the effect that the construction carried out shall be subject to the result of the appeal, and if the appeal succeeds, the applicants shall not claim any equity or cost of the construction carried out by them at their own risk.

The order of status quo granted by this Court shall stand modified to that extent only.

The civil application is disposed of.

Judge.

Lanjewar