

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.11984 OF 2013

Jitendra Pranvallabh Chowlera	]	
(Since Deceased) Through legal heirs	]	
1a. Smt. Malathi Jitendra Chowlera and Anr.	]	... Petitioners

Versus

Shah Valji Monshi and Ors.	]	... Respondents
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Mr. S. J. Ghatage a/w Mr. C. N. Chavan, Ms. Bijal Chowlera and
Mr. Manoj Mane for Petitioners.
Mr. Jaydeep Deo for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- JUNE 29, 2015

P. C. :-

1. This petition can be disposed of because it has come on record that from out of the 9 items of repairs which the tenant intended to carry out to the suit premises, 5 items were already allowed by the trial Court. In petitions before this Court, further leave has been granted to carry out repairs in respect of 2 additional items. Thus from out of 9 items, leave has been already granted to carry out repairs in respect of 7 items.

2. By the impugned order, all that the trial Court has done is to refuse to extend the *status-quo* order which was in operation. Considering that 7 out of 9 items of repair have already been permitted, rather than examining the validity of the impugned order, it would be appropriate if the trial Court is permitted to hear and decide the application for injunction (Exh.8) which is till date pending consideration. The trial Court to hear, decide and dispose of Exh.8 application, uninfluenced by the observations in the impugned order, as expeditiously as possible and in any case, within a period of three months from today. In the meantime, in case the tenant deems it necessary to carry out any further repairs, they shall be at liberty to apply to the trial Court in this regard. This petition is accordingly disposed of in the aforesaid terms.

(M. S. SONAK, J.)