

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 363 OF 2016
IN
APPEAL FROM ORDER NO. 90 OF 2015**

Shaikh Gulam Hussain S/o Sk. Normiya
and others .. Applicants

Versus

Ambadas S/o Dagdu Pawar died through
L.Rs. Indrabai Ambadas Pawar .. Respondent

Shri Girish K. Thigale (Naik), Advocate for Applicants.
Shri C. V. Dharurkar, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 22ND JANUARY, 2016.**

PER COURT :

. The present civil application is filed for modification of the order dated 19.10.2015. The learned counsel submits that, this Court vide order dated 19.10.2015 had only permitted construction of residential premises for the present respondent to make the same habitable. However, taking the aid of the said order the present non applicant is demolishing the commercial premises also and intending to carry out construction thereon.

2. Mr. Dharurkar, the learned counsel submits that, order passed by this Court is clear. The same does not require any modification.

3. The order was passed in Appeal from Order No. 90 of 2015, as the appellant therein was required to construct the premises so as to make it habitable. Keeping in view the same order is passed. This Court has permitted the appellant therein to construct the residential portion to make it habitable. The order is limited to that extent. The appellant was also not given any permission by the Court in the said order to carry out any construction of commercial premises for commercial purpose.

4. In view of the above, the order does not require any modification. The civil application is disposed of.

5. If the applicants want any other relief, they can pray the same in pending appeal.

[S. V. GANGAPURWALA, J.]