

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

**CIVIL APPLICATION NO. 3051 OF 2014
IN
FIRST APPEAL NO. 1338 OF 2010**

Sushila Dattatraya Joshi .. Applicant

Versus

Shalini Chintaman Joshi and others .. Respondents

Mrs. Anjali Dube (Bajpai), Advocate for the Applicant.
Shri L. V. Sangit, Advocate for Respondent Nos. 1 to 3.
Shri R. K. Ingole Patil, Advocate for the Respondent No. 4.
Mrs. M. D. Thube-Mhase, Advocate for Respondent Nos. 12 to 15.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 16TH APRIL, 2016.**

PER COURT :

. The present application is filed seeking permission to put doors, windows and roof in the half constructed house property bearing No. 150 situated at Berdi, Deoulwadi, Siddhatek, Tq. Karjat, Dist. Ahmednagar.

2. Smt. Dube, the learned counsel for the applicant submits that, the non applicants do not have any concern with the said house property bearing No. 150, even considering case put forth by present non applicants. In case the appeal is allowed, it is

present applicant who would be getting more share. As such the non applicants cannot take any objection if the applicant is permitted to put up the doors, windows and roof in the half constructed house property bearing No. 150.

2. Mrs. Thube, the learned counsel for non applicant Nos. 12 to 15 submits that, the conduct of the applicant needs to be considered. The order dated 22.11.2013 was passed after hearing all the parties concerned and after lapse of two years present application is filed.

3. The learned counsel further submits that, present non applicant Nos. 12 to 15 also be allowed to have pakka construction over the property sold to non applicant Nos. 12 to 15.

4. I have also heard Mr. Sangit, the learned counsel for non applicant Nos. 1 to 3 and Mr. Ingole Patil, the learned counsel for the non applicant No. 4.

5. I have considered the submissions put forth by learned counsel for respective parties.

6. The non applicant Nos. 12 to 15 have filed affidavit in reply, wherein the non applicant Nos. 12 to 15 have categorically

stated that, they do not have any objection in allowing applicant to put the doors, windows and roof in the property bearing No. 150 at Berdi..

7. Considering the same, the applicant herein is permitted to put doors, windows and roof in the half constructed house property bearing No. 150 situated at village Berdi, Deoulwadi, Siddhatek, Tq. Karjat, Dist. Ahmednagar.

8. If non applicant Nos. 12 to 15 are desirous of seeking any orders, they can file appropriate application in that regard. The civil application is accordingly disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/April 16