

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4470 OF 2016

Makarand Housing Societym Morewade & Another PETITIONERS

VERSUS

Chaya Sanjay Komatwar & others

RESPONDENTS

.....
Mr. R. N. Dhorde, Sr. Advocate i/b Mr. V.R.Dhorde, for petitioners
Mr.V.D.Salunke h/f Mr.S.J.Salunke, Advocate for respondent No.1
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 8th JUNE, 2016

ORDER :

1. Heard learned advocates for the parties at quite some length.
2. It is being stated on behalf of defendant No.1 that permitted construction of structure on ground floor is almost over and first floor also, to some extent, has been constructed. It is further being submitted that defendant No.1 has been occupying ground floor structure, however, it is not completely finished.
3. In the circumstances, instead of going into the merits of the case, it would be expedient that defendant No.1 would be

allowed to carry out finishing work on ground floor and she shall not carry out further construction on first floor till disposal of the suit.

4. Having regard to aforesaid, it would be expedient that the Regular Civil Suit No.15 of 2015 pending on the file of Civil Judge, Junior Division, Ambajogai, instituted by the petitioners be proceeded with expeditiously and disposed of within a period of six months from the date of receipt of writ of this order. The parties agree to co-operate disposal of the suit within the time frame referred to above, save and except the situation being out of their control.

5. It is made clear that *status quo* in respect of construction over first floor be maintained as on the date and defendant No.1 is allowed to carry out finishing work on the ground floor. In case of decision in the suit goes adverse to the interest of defendant No.1, defendant No.1 shall not claim equities in respect of the construction carried out.

6. Having regard to aforesaid situation, it would be pragmatic way out to salvage the situation.

7. As far as legal aspects involved in the matter are

concerned, including the ones as are contemplated by the parties, if those are legally and legitimately possible, it would be open for them to take appropriate recourse.

8. With aforesaid, the writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]

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