

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 934 OF 2016
IN
WRIT PETITION NO. 5658 OF 2004
WITH
CIVIL APPLICATION NO. 933 OF 2016
IN
WRIT PETITION NO. 6948 OF 2004

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.S. Apte, Sr. Advocate i/b Mr. S.C. Wakankar for the Applicant.

Mr. Bhushan A. Walimbe for the Respondent.

CORAM : K.K. TATED, J.

DATE : 05 MAY, 2016.

P.C. :

1 Heard learned senior counsel Mr. Apte for the applicant and Mr. Walimbe for the respondent.

2 This application preferred by the landlord for an order of injunction restraining the respondent-tenant from carrying out any construction activity in the suit premises i.e. one room admeasuring 11.44 sq.mtrs. situated at CTS No.456, Nana Peth, Pune. The learned senior counsel for the applicant-landlord submits that the respondent tenant without obtaining any permission either from landlord and/or from

competent authority, started construction activity. Hence, they preferred the present Civil Application.

2 On the other hand learned counsel Mr. Walimbe appearing on behalf of the respondent-tenant vehemently opposes the present Civil Application. He submits that the respondent-tenant is doing only tanentable repairs.

3 Considering the submission made by the learned senior counsel for the applicant, the Civil Application and the photographs placed on record below Exhibit-B, it is crystal clear that the respondent-tenant is doing construction of permanent nature in a suit premises. Considering these facts, I am of the opinion that the applicant-landlord has made out the case for allowing the Civil Application in terms of prayer clause (a). Hence the following order :-

a) Civil Application allowed in terms of prayer clause (a) which reads thus :-

“a) pending the hearing and final disposal of the Writ Petition, the Respondent be restrained by an order of Injunction from constructing the walls in the suit property or from carrying out any permanent alterations in the suit premises and from changing the nature of the suit property.”

4 Both the Civil Applications are disposed of accordingly.

(K.K. TATED, J.)