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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1384 OF 2016  
IN  
SECOND APPEAL NO.682 OF 2013

Gorakhnath D. Ghoge ...Applicant

**IN THE MATTER BETWEEN :**

Narsingdas G. Bairagi, since deceased  
through His L.Rs. - Smt.Laxmibai R. Mishra & Anr. ...Appellants

V/s.  
Gorakhnath D. Ghoge & Ors. ...Respondents

Mr.Suhas Inamdar i/b Mr.Madhav Jamdar for the Applicant in the  
C.A.

Mr.Karan Thorat for the Appellants in S.A. No.682 of 2013.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 16TH SEPTEMBER, 2016.**

**P.C. :-**

1. By this civil application, the applicant (original respondent no.1 in the second appeal) seeks permission to carry out repairs as described in prayer clauses (a) and (b) of the civil application. It is not in dispute that the applicant herein is in possession of the said property.

2. Learned counsel appearing for the respondents (original appellants) however, submits that since the premises are vacant for

last nine years, permission to carry out repairs cannot be granted by this Court.

3. Learned counsel appearing for the applicant states that his client is in possession of the suit property and it requires immediate repairs. My attention is invited to the photographs annexed to the civil application. He submits that the applicant is ready and willing to carry out repairs at his own costs.

4. After hearing the parties and after considering the photographs annexed to the civil application, I am inclined to grant relief in favour of the applicant, as prayed on the condition that the applicant shall carry out repairs at his own costs and after obtaining permission of the authorities, if required.

5. The civil application is accordingly made absolute in terms of prayer clauses (a) and (b). If any permission is required by the applicant before carrying out any repairs as proposed, the applicant shall obtain such permission. A copy of the permission obtained, if any, shall be furnished to the respondents (original appellants). It is made clear that the applicant shall not carry out any unauthorized construction in the suit premises under the guise of repairs.

6. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

7. Learned counsel appearing for the applicant states that the

applicant will not create any third party rights in view of the interim order already passed by this Court on 28<sup>th</sup> June, 2016 in Civil Application No.1611 of 2013. The statement is accepted.

**(R.D. DHANUKA, J.)**