

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1921 OF 2015
in
SECOND APPEAL NO.877 OF 2015**

Harishchandra Tanu Gorule @ Goriwale .. Applicant
Vs.
Ganu Lukaji Gorule @ Gariwale & Ors. .. Respondents

Mr.Abhijit Desai i/by Mr.Harish Lad for the applicant.
Mr.Pradip Kadam for the respondent nos.1A, 1B & 2.

CORAM : R.D. DHANUKA, J.
DATE : 24th February 2016

P.C.

. Rule, returnable forthwith. Learned counsel appearing for the respondent nos.1A, 1B & 2 waive service.

2. By a separate order passed by this Court today in Second Appeal No.877 of 2015, second appeal has already been admitted on the substantial questions of law formulated by this Court. Heard learned counsel appearing for the parties.

3. In my prima facie view, the orders passed by the learned trial Judge as well as the Lower Appellate Court are erroneous and deserve detailed consideration.

4. Civil application is made absolute in terms of prayer clause (c). It is made clear that if the applicant carries out any construction on the suit property, the same shall be carried out after obtaining permission

from the authorities and such construction shall be subject to the final outcome of the second appeal. Civil application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.