

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1083 OF 2017
IN
SECOND APPEAL NO. 361 OF 2001

Commanding Officer,
National Defence Academy

... Applicant

In the matter between

Shri. Dattatray Rambhau Dodke
(deceased) through his legal heirs and another

... Appellants

Versus

Union of India

... Respondent

Mr.S.R.Rajguru a/w.Parag Vyas for the Applicant and Orig.Respondent Nos.1 to 3.
Mr.Sanjay Kshirsagar for the Original Appellants.

CORAM : S.J. KATHAWALLA, J.
DATED : 4th AUGUST, 2017

P.C.:

1. The sketch handed over by the Advocate for the Appellant is taken on record and marked 'X' for identification. Pending the hearing and final disposal of the Second Appeal No.361 of 2001 the stay granted to the Appellant in Civil Application No.108 of 2003 by an Order dated 09.03.2003 is modified so as to allow the Applicant Respondent to construct a boundary wall from the point marked BP 56 to BP 58 as shown in the sketch marked 'X'. In the event of the Appellant wanting to visit the suit premises, he shall do so after following the prescribed procedure of the Applicant.
2. The above Civil Application is accordingly disposed off.

3. Place the above Second Appeal for final hearing in normal course.

(S.J.KATHAWALLA, J.)