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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 21270 OF 2015
WITH
CIVIL APPLICATION NO. 1496 OF 2015

Ajit Jayant Pathare	...Applicant
<i>Versus</i>	
Hema Vijay Pathare	...Respondent

None for the Applicant.

Mr Sandeep A Bhagat, for Respondents Nos. 1 to 8, 10 & 12.

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. The challenge is to an order dated 30th April 2015 by which the Plaintiff's Notice of Motion was dismissed. By the Plaintiff's own admission, the Plaintiff was a co-owner of the property known as Pathare House situated at Kennedy Bridge, Opera House, Mumbai. Defendants Nos. 1 to 12 said they had sold their 50% share in the property to Defendant No. 13.

2. The Plaintiff sought two restraints. One was against the 13th Respondent from carrying out structural additions and alterations to the second floor premises and the second was to restrain

Defendants Nos. 1 to 12 from transferring their rights in the property.

3. In my view, the learned Judge correctly dismissed both applications. There was nothing to show that any of the repairs being carried out by the 13th Defendant were structural in nature. The injunction sought against transfer also could not have been granted.

4. In any case, none appears for the Appellant. The Appeal is dismissed. There will be no order as to costs.

5. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)