

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

**CIVIL APPLICATION NO.727 OF 2016
IN
CIVIL REVISION APPLICATION NO.404 OF 2010**

Mangala Dattatray Salvi & Anr.

.... Applicants

versus

Madhukar Vasudeo Soman since deceased
through LR's

... Respondents

.....

- Mr.Sumit S. Kothari, for the Applicants.
- Mr.Surel S. Shah, for the Respondent/Original Petitioner.

CORAM : R.M.SAVANT, J.

DATE : 20th APRIL, 2017.

P.C. :

1. The above Civil Application was filed for carrying out repairs to the suit premises. The prayer of the repairs was allowed by learned Single Judge of this Court (Mr.N.M. Jamdar, J.) by an order dated 22/12/2016. Only repairs that remain are repairing of weather shed on three windows and for carrying out repairs to the bathroom which is on the rear side of the suit structure. It seems that there is a decree in favour of the applicant in so far as repairs to the bathroom are concerned, which decree was passed in the year 2007. However, no steps were taken pursuant to the said decree.

Nesarikar

2. Be that as it may. Since three repair works are already permitted by order dated 22/12/2016, in my view, it would be just and proper to permit the applicant to carry out the remaining two works i.e. repairs to the weather sheds on the three windows and carrying out repairs to the bathroom. The same would be without prejudice to the rights and contentions of the Respondent in the above Civil Revision Application.

3. The above Civil Application is accordingly disposed of.

(R.M.SAVANT, J.)