

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1574 OF 2016
IN
WRIT PETITION NO. 5026 OF 2002**

Mohammad Vali Mohd (deceased) through LRS	..Applicants
Vs.	
Fatima Laeeque Ahmed (deceased) through LRs	..Respondents

Mr. Pramod Joshi for the Applicants
Mr. Niranjan Shimpi for the Respondent No.1A

CORAM : R. M. SAVANT, J.
DATE : 28th APRIL, 2017

P.C.

1 The above Civil Application has been filed for two fold reliefs viz for injunction restraining the Respondents who are the heirs of the original Defendant from carrying out further constructions and for expeditious hearing of the above Writ Petition. In so far as the first relief is concerned, the Learned Counsel appearing on behalf of the Respondent No.1A Mr. Shimpi points out that the Respondent No.1A has put up tin sheets in place of the earthen wall in the front portion of the suit premises. The Learned Counsel for the Respondent No.1A states that in so far as the roof is concerned the wooden beams on account of their age have given way which has its effect on the roof and therefore the Respondent No.1A desires to repair the roof by putting iron angles. The Learned Counsel appearing for the Applicants Mr. Joshi has principally no objection to the same, however, he states that no further repairs

should be carried out by the Respondent No.1A. The Respondent No.1A therefore would be entitled to carry out tenentable repairs to the roof. Hence save and except to the extent of the works as mentioned as above, the relief of injunction is granted. In so far as expeditious hearing of the Petition is concerned, the above Writ Petition is of the year 2002 and the parties are senior citizens. Hence the hearing of the above Writ Petition is expedited and is directed to be placed for final hearing after the Diwali Vacation of the year 2017. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]