

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

**CIVIL APPLICATION NO.4775 OF 2016
IN
FIRST APPEAL NO.612 OF 1999
WITH
CIVIL APPLICATION NO.1764 OF 2013
IN
FIRST APPEAL NO.612 OF 1999**

Raut Industrial Co.Op. Premises Ltd.,
Through its Treasurer ..Applicant
V/s.

Shri.K.T. Kumaran (Since Deceased)
Through his legal heirs)
Smt.Ramasmati W/o Late K.T. Kumaran & Ors. ..Respondents

Mr.Drupad S. Patil for the Applicant (Org. Respondent) in Civil
Application No.1764 of 2013.

Ms.Usha R. Tiwari for the Original Appellant in First Appeal No.612
of 1999.

Ms.M.R. Bhoir for the Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 09 FEBRUARY 2017.

P.C.

1. Heard the learned counsel for the parties as well as the representative of the Court Receiver. The applicant intends to carry out certain repairs/painting work to the building. Even the MCGM, has issued notices to the applicant, who is the original respondent No.1 in the appeal to undertake certain repairs. However, for this

purpose, the applicant is required to obtain permission/approval from the MCGM.

2. Mr.Patil the learned counsel for the applicant states that the applicant cannot obtain permission/approval because a portion of the suit premises is in the possession of the Court Receiver and access through such portion is necessary in order to carry out the repairs/painting work. Mr.Bhoir, the learned counsel for MCGM submits that for obtaining permission from the MCGM, such access is not necessary. Be that as it may, the applicant after obtaining necessary permissions from the MCGM, is directed to produce the same before the Court Receiver. Upon production of such permission, access to the applicant through the property in the possession of the Court Receiver shall be allowed, in order to carry out such repairs/painting work. Such repairs/painting work will be completed within a period of two months. Thereafter, the Court Receiver to once again put it's lock key and seal on the gates, so that there need not be any further access to the applicant.

3. This order is passed without prejudice to the rights and contentions of all the parties. The Civil Application is disposed of in the aforesaid terms.

4. Place the Appeal for final hearing in the week commencing from 20 March 2017.

(M. S. SONAK, J.)