

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**923 CIVIL APPLICATION NO. 8604 OF 2018
IN SA/114/2015**

VINAYAK PANDHARINATH DEVHARE
VERSUS
GANGUBAI PANDHARINATH DEVHARE DECEASED THR.LRS
PRABHAKAR AND OTHERS

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Advocate for Applicants : Shri S.S.Kulkarni
Advocate for Respondent Nos. 2 To 4, 5A To 5C, 6 &
7 : Shri M.G.Deokate

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CORAM : P.R. BORA, J.
Date: July 10, 2018

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PER COURT :-

1 Heard learned Counsel for the applicant and
learned Counsel for the respondents.

2 From the pleadings as well as the documents
placed on record, it does not appear that the
respondents are anyway trying to change the nature
of suit property or damaging the suit property.
What reveals from the documents is that adjacent
shop owner has demolished his shop and as such
common wall between these two shops has been
demolished because of which some portion of the

shop in dispute has become open.

3 It is the contention of the learned Counsel for the respondents that open portion is required to be closed by carrying out some construction on existing construction.

4 In the circumstances, it does not appear to me that any case is made out so as to pass any order restraining the respondents from carrying out the construction and more particularly, when it is clarified by the respondents that they intend to reconstruct only the demolished portion of wall. Hence, the application stands rejected.

5 Civil application stands disposed of.

(P.R. BORA, J.)

SPT