

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10926 OF 2018
(Syed Mahnoor w/o Syed Mohiuddin and another Vs. Nizamuddin
Shikshan Sanstha)

Mr.A.S.Gandhi, Advocate for the petitioners.
Mr.Satej S.Jadhav, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 01/10/2018

PER COURT :

1. On 29/09/2018, Mr.Jadhav, learned Advocate appearing on behalf of the respondent had made a statement that all the repairs that were required to be carried out in connection with the suit premises under the impugned order of the Trial Court dated 23/08/2018, have been carried out and the said order has been fully implemented.

2. The direction granted in the impugned order reads as under :-

“1. Application is allowed with costs.

2. Defendant is permitted to carry out repairs to the suit premises as mentioned in the Conclusion and Suggestions of the report of Consulting Engineers and Structural Designer Quadri S.G. and Associates dated 16th July 2018 filed alongwith document list Exh.33.”

3. Learned Advocate for the petitioners has collected instructions and submits that the repairs have been carried out. He, however, voices an apprehension that pursuant to the disposal of this petition, the respondent may further carry out changes in the suit property under the garb of implementing the impugned order. It is, therefore, submitted that any further changes or repairs, should not be initiated by the respondent without the permission of the Trial Court.

4. Learned Advocate for the respondent submits that as the impugned order has been implemented and repairs were carried out after obtaining permission of the Court, any further repairs, if are required, would prompt the respondent to approach the Trial Court for seeking permission.

5. In so far as the issue of who should bear the expenses of the said repairs is concerned, the said issue is left open for the Trial Court to consider while deciding the suit. So also the repairs carried out would not be to the prejudice of any of the litigating sides.

6. In view of the above, this petition is disposed of.

**Kranti
Hansraj
Shekatkar**

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Kranti Hansraj
Shekatkar
Date: 2018.10.04
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(Ravindra V.Ghuge, J.)