

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.7477 OF 2018**

Suresh Keshav Gurjar & another] Petitioners

Vs.

Uma Jayantkumar Nanavati & another] Respondents

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Mr. Mr. Uday Mahajan a/w Ms. Sayali Gharpure i/b Divekar & Co., for
Petitioners.

Mr. N.V. Walawalkar, Sr. Advocate a/w Mr. D.M. Vyas i/b Nishant Vyas, for
Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 18th JULY, 2018.

P.C.

Not on board. At the request of Mr. Mahajan taken up in the
production board.

2. Heard Mr. Mahajan, learned Counsel for the petitioners and Mr.
Walawalkar, learned senior Counsel for the respondents.

3. By this Petition under Article 227 of the Constitution of India, the
petitioners have challenged the judgment and order dated 21st June, 2018
passed by the Appellate Bench of the Court of Small Causes at Mumbai below
Exhibit 8 in Appeal No.111 of 2018. By that order, the Appellate Court allowed
application Exhibit 8 filed by the appellants/original plaintiffs and directed the
petitioners herein;

- [1] to re-construct wooden partition door as shown in sketch Exhibit B separating other part of second floor of the suit building, as was in existence prior to 01.04.2018 within thirty days from the date of the order.
- [2] on failure of respondents (petitioners herein) for such compliance appellants(respondents herein) are permitted to put up new wooden partition door as shown in sketch Exh. B separating other part of second floor of the suit building as was in existence prior to 01.04.2018.
- [3] respondents herein are entitled to recover from petitioners herein, the expenses incurred by them for reconstructing such wooden partition door or to adjust the same in rent amount.

4. After arguing the Petition for quite some time, on instructions of petitioner No.1 Suresh Keshav Gurjar, who is present in the Court. Mr. Mahajan assures that within 15 days from today, the petitioners will implement the impugned order by re-constructing wooden partition door as shown in sketch Exhibit B separating other part of the second floor of the suit building as was in existence prior to 01.04.2018.

5. In view thereof, nothing survives in this Petition and the same is disposed of. Order accordingly.

[R.G. KETKAR, J.]