

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 1331 OF 2012
WITH
CIVIL APPLICATION NO. 1816 OF 2012
WITH
CIVIL APPLICATION NO. 1414 OF 2015
IN
APPEAL FROM ORDER NO. 1331 OF 2012**

Yeshwant Sukdeo Gaikwad & Ors. ... Appellants

Versus

M/s.Pooja Enterprises & Ors. ... Respondents

**WITH
APPEAL FROM ORDER NO.1314 OF 2012**

Yeshwant Sukdeo Gaikwad & Ors. ... Appellants

Versus

M/s.Pooja Enterprises & Ors. ... Respondents

.....
Ms. Vrushali U. Kabare for the Appellants in both AOs.
Mrs. M.R. Bhoir for Respondent No. 6/ Municipal Corporation.
.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **FEBRUARY 07, 2018**

P.C.:

1. The learned Counsel for the appellants produces a digital photograph disclosing the date of 5th February, 2018 wherein it shows

that there is open space of the terrace on the 8th floor of the suit building.

2. In view of this, respondent nos. 1 to 5 shall not construct any flat on the 8th floor of the suit building or shall not construct remaining portion of the suit building hereafter without seeking permission of the Court.

3. With this, Appeal from Order No. 1314 of 2012 is disposed of.

4. In Appeal from Order No. 1331 of 2012, the appellants are directed to serve the learned Counsel Mr. Rajesh Singh for respondent nos. 12 and 13.

5. The learned Counsel for appellants submits that respondent nos. 7 to 13 are the flat purchasers of four flats on the 13th floor and they are served by newspaper publication.

6. Hence, stand over to 5th March, 2018.

(MRIDULA BHATKAR, J.)