

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

**APPEAL FROM ORDER NO.889 OF 2019
WITH
CIVIL APPLICATION NO.1064 OF 2019**

Geeta Rajendrakumar Trivedi

And Others

... Appellants

Versus

Shri Ramshankar Shivchand Bajpayee

And Others

... Respondents

.....

Mr. Deepak Natu i/b N. Deepak & Co. for the Appellants.

Mr. Sanjiv A. Sawant a/w Mr. Rutu Pawar i/b Mr. Abhishek P. Deshmukh for Respondent Nos.2 to 4.

.....

CORAM : S.C. GUPTE, J.

DATE : 13 SEPTEMBER 2019

P. C. :

. This Appeal from Order challenges an order passed by Civil Judge, Senior Division, Palghar on a temporary injunction application filed by Defendant Nos.2 to 4, who are Respondent Nos.2 to 4 to the present appeal. The impugned order grants their application and restrains defendant nos.1 and 8, who are the Appellants before this court, from obstructing them from approaching the terrace of the suit building and for using the terrace and from cleaning the water tank, by locking the terrace doors and from using the suit well.

2 After the matter is heard at some length, it is agreed between learned Counsel for the parties that the injunction order may be restricted to any obstruction by defendant nos.1 and 8 or any person on their behalf to defendant nos.2 to 4 from approaching the terrace of the suit building, i.e. Mahavir Sadan, for cleaning of their water tank on the terrace. It is ordered accordingly.

3 It is clarified that defendant nos.1 and 8 may be permitted to keep the terrace locked, but as and when defendant nos.2 to 4 are required to go to the terrace for cleaning their water tank, defendant nos.1 and 8 will have to open the terrace and give access to it to defendant nos.2 to 4.

4 So far as the suit well is concerned, it is common ground that the suit well is being and will be allowed to be used by all members and their families including defendant nos.1 and 8 as well as defendant no.2 to 4.

5 With these clarifications, the Appeal from Order is disposed of.

6 In view of the disposal of the appeal, the civil application does not survive and the same is disposed of.

(S.C. GUPTE, J.)