

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO.4 & 5 OF 2020
IN
APPEALS FROM ORDER NO.53 & 54 OF 2019

Ramprasad Prakash Salgaonkar & Anr. ... Petitioners

Versus

Prakash Rama Salgaonkar & Anr. ... Respondents

Shri Gaurish Agni, Advocate for the Petitioners.

Shri A.D. Bhobe, Advocate for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 18th February 2020

ORAL ORDER:

The dispute concerns the parents on one hand and the son and his wife on the other. The parents have filed the Appeal From Order and invited the judgment under review.

2. In that judgment, the Court took note of the factual situation and practical difficulties. As the parents are living in the ground floor and as the son with his family is living in the upper floor, the Court has felt that the arrangement as existing should continue. To that extent, the review petitioners, that is the son and his family, have no objection. That said, this Court has also noticed that the son has locked up one room in the ground floor. Then, the parents' grievance was that any access to that room by the son's family would disturb their piece. The Court wanted to diffuse the situation; it has felt that the son's access, if ever, into the midst of the

parents' habitat only increases the animosity. Besides that, the Court has also reckoned that a locked room serves no purpose. To maintain peace and to ensure that the property does not go waste until, at least, the lis ends, the Court, for the reasons it recorded, has directed the review petitioners to open that particular room. So the parents could have access to the entire ground floor, whereas the son and his family could have the entire first floor.

3. The learned counsel for the review petitioners agrees that this Court has not entirely upset the Trial Court's order. But with the above arrangement—a direction to the review petitioners to open the room in the ground floor—the Court, according to him, has granted a mandatory injunction. And it is impermissible, stresses the learned counsel.

4. I reckon, whatever be the worth of the contentions, I am afraid the review petitioners have not presented any reviewable grounds. The objections they have raised, if at all, may amount to objections on the merits.

I, therefore, dismiss the review petitions.

DAMA SESHADRI NAIDU, J.

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