

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

939 CIVIL APPLICATION NO.5456 OF 2021  
IN CRA/243/2017 WITH CA/5934/2020 IN CRA/243/2017

MIHIR YOGESH SHAH  
VERSUS  
JAGDISH M. GOPAL MALBARI AND OTHERS

...  
Advocate for Applicant : Mr. Subodh P. Shah  
Advocate for Respondent no.1 : Mr. Mukund Kulkarni h/f  
Mr. P. S. Paranjape  
Advocate for Respondent nos. 3B to 3D and 2 : Mr. Y. G.  
Gujarathi  
Advocate for Respondent nos. 6 to 8 and 10: Mr. K.C. Sant

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**CORAM : AVINASH G. GHAROTE, J.**  
**DATED : 1<sup>st</sup> JULY, 2021.**

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***PER COURT :***

1. Mr. Mukund Kulkarni, holding for Mr. Paranjape, learned counsel for the appellant, submits, that the debris of the collapsed wall at the backside of the tenanted premises, shall be removed by him within 7 days from today, at his own costs. The appellant is permitted to do so at his own cost, however, this shall be without prejudice to the rival contentions raised by the respective parties in various proceedings against each other, including the present CRA. The Civil Application No. 5456 of 2021 is by the adjacent owner raising a grievance about the

debris laying on the suit property due to collapse of the wall. In view of what has been directed above, civil application No. 5456 of 2021 is dismissed.

**(AVINASH G. GHAROTE, J.)**

vsm/-