

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

**CIVIL APPLICATION NO. 897 OF 2019
IN
SECOND APPEAL NO. 288 OF 2009**

Abdul Majid Mahamud Janjirkar ..Applicant

IN THE MATTER BETWEEN

Abdul Shakur Mahamud Janjirkar & Anr. ...Appellants

Vs.

Abdul Majid Mahamud Janjirkar ..Respondent

Mr. Tejpal Ingale, for the Applicant.

Mr. A. N. Mulla, for the Appellants.

**CORAM : C.V. BHADANG, J.
DATE : 29th JANUARY 2021**

PC.

. By this application, the respondent No.1 is seeking action against the appellants for the alleged breach of the order dated 27/6/2014 passed by this Court, in Civil Application No.858/2014. By the said order, the appellants were permitted to carry out certain repairs to the portion of the suit property in their possession. The contention is that under the garb of repairs, the appellants have carried out extensive alterations to the said premises.

2. I have heard the learned counsel for the parties.

3. The record discloses that the permission for repairs was granted in the year 2014 and the present application alleging breach of the order was filed in the year 2018. Prima facie, at this stage, nature of the repairs which were sought and granted in the year 2014 have not been specified. The appeal is of the year 2009. The learned counsel for the applicant made an alternate prayer to hear the appeal expeditiously.

4. In my considered view, having regard to the over all circumstances, it would be appropriate to expedite the hearing of the appeal, if it is otherwise ready. Issue, as raised in the present application, can be left open. Ordered accordingly. The office shall add the second appeal to the final hearing board, if it is otherwise ready.

5. The civil application is disposed of in the aforesaid terms.

C.V. BHADANG, J.