

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

**CIVIL APPLICATION NO. 13045 OF 2022
IN
CIVIL REVISION APPLICATION NO. 90 OF 2013**

The Nutan Education Society, Parbhani
Through it's Secretary
Vijakumar Raosaheb Jamkar

..APPLICANT

VERSUS

Khamkar Ali Shah Mehboob Shah
and Others

..RESPONDENTS

....
Mr. A.S. Deshmukh, Advocate for applicant
Mr. S.H. Khan, Advocate for respondent nos.1 and 2-A to 2-G
Mr. S.S. Bora, Advocate for respondent no.3
Mr. Y.B. Pathan, Advocate for respondent no.4
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**CORAM : R.G. AVACHAT, J.
DATE : 29th SEPTEMBER, 2022**

PER COURT :

1. Respondent No.1 is reported to have passed away on 29th June, 2020. This civil application has been moved by original Defendant No.1 – an educational institution. Admittedly, it is in possession of the suit property which is being used for running a school. The photographs of the suit premise have been placed on record to indicate the same is in dilapidated condition and requiring urgent repairs. If the applicant is permitted, by the local authority, to make repairs of the suit premise, no prejudice is likely to be caused to the contesting respondents.

2. In view of the same, civil application is allowed. The applicant – educational institution is permitted to approach the concerned local authority, Respondent No.3 – Municipal Corporation, for permission to effect repairs to the suit premise. The municipal corporation, in turn, shall consider the application on its own merits. It shall not insist for no objection of the contesting respondent herein.

(R.G. AVACHAT, J.)

SSD