

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

INTERIM APPLICATION NO.2346 OF 2022

IN

FIRST APPEAL NO.149 OF 2013

Sri Sai Industrial Premises Co.op. ...Applicant
Society Ltd., Mumbai

In the matter between
Rajesh Construction (Bombay) ...Appellant

Versus

Bharat Chemicals Work and Ors. ...Respondents

WITH

INTERIM APPLICATION NO.2390 OF 2022

IN

FIRST APPEAL NO.149 OF 2013

Balaji Industrial Premises Co-op. Soc. ...Applicant
Ltd.

In the matter between
Rajesh Construction (Bombay) ...Appellant

Versus

Bharat Chemicals Work and Ors. ...Respondents

WITH

INTERIM APPLICATION NO.2379 OF 2022

IN

FIRST APPEAL NO.149 OF 2013

Siddhivinayak Co-op. Industrial ...Applicant
premises Ltd.

In the matter between
Rajesh Construction (Bombay) ...Appellant

Versus

Bharat Chemicals Work and Ors. ...Respondent

Shree Mahalaxmi Industrial Premises Co-op. ...Applicant

In the matter between
Rajesh Construction (Bombay) ...Appellant

Bharat Chemicals Work and Ors. ...Respondents

Mr. Jamsheed Master with Mr. Dedan Fernandez i/b. Mr. Purzat Fouzdar for Respondent No.1.

DATED : 29th JUNE, 2022.

1. The Applicants, by these applications, have sought to permit them to carry out repair work in respect of internal access road shown in fluorescent colour in plan at Exhibit-G.

2/3

No.1 and not through the property of Respondent No.2.

3. Learned counsel for Respondent No.1 states that without prejudice to the rights and contention, Respondent No.1 shall repair the said access passing through their property, within a period of six weeks at their own cost. Learned counsel for the Appellants also consents for the said interim arrangement.

4. Learned counsel for the Applicants states that Applicants will not claim equity in view of concession given by Respondent No.1.

5. In view of the statements made by learned counsel for the Applicants and Respondent No.1, applications stand disposed of leaving open all other rights and contentions of the respective parties.

(SMT. ANUJA PRABHUDESSAI, J.)