

AGK

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

WRIT PETITION NO.3074 OF 2022

Parvin Ibrahim Shaikh

... Petitioner

V/s.

Ramesh Hanmantasa Katwa & Anr.

... Respondents

Mr. Aditya Shirke and Mr. Pradeep Salgar for the
petitioner.

Mr. Hrishikesh S. Shinde for the respondents.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

P.C.:

1. The writ petition arises out of grant of temporary injunction restraining defendant from carrying out construction over the suit property.

2. Learned advocate for the petitioner invited my attention to the plaint in Regular Civil Suit No.358 of 2021 where the respondents termed petitioner as tenant of the suit property. If that be so, blanket injunction restraining tenant from carrying out construction cannot be issued; however, the plaintiff would be entitled to injunction in relation to suit property save and except tenantable repairs as are permitted under the provisions of the Maharashtra Rent Control Act, 1999.

3. In that view of the matter, the order passed by the Courts below is modified to the following extent.

The defendant is restrained from carrying out construction over the suit property save and except tenantable repairs as are permitted under the provisions of the Maharashtra Rent Control Act, 1999.

4. With this clarification, nothing remains to be adjudicated in the present writ petition. The writ petition accordingly stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)