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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1483 OF 2019
IN
SECOND APPEAL NO. 354 OF 2013

Shri. Gotiram Popat Handore

...Applicant

In the matter between:

Mr. Ramesh Popat Handore

...Appellant

Versus

Shri.Mohan Popat Handore & Anr.

...Respondents

Mr. Sandeep Patade, i/b. Mr. Kayval Shah, for the Applicant.

Mr. Yuvraj Narvankar a/w. Mr. Mayur Mohite, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATED : 17th JULY 2023

P.C. :

1. Heard Mr. Sandeep Patade, learned counsel appearing for the Applicant, who is original Respondent No.2 and Mr. Yuvraj Narvankar, learned counsel appearing for the original Appellant.
2. In the Civil Application taken out by the original Respondent

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No.2, relief is sought to allow to reconstruct two rooms out of three rooms of house property bearing House No.601/0067/1. It is stated that the Respondent No.2 will bear the cost of entire reconstruction of said two rooms.

3. Mr. Patade, learned counsel appearing for the Applicant states that word “reconstruction” is wrongly stated in the prayer clause and the same should be “repairs”.

4. Mr. Narvankar, learned counsel appearing for the original Appellant states that the Respondent No.2 is in the possession of two rooms i.e. Room Nos. 2 and 3 and the Appellant is in possession of Room No.1. He states that the Appellant will have no objection for such repairs, however the said repairs should not damage the construction of said Room No.1.

5. Accordingly, the Applicant-Gotiram Popat Handore, who is the original Respondent No.2 is allowed to repair Room Nos. 2 and 3, as shown in the map at page 26 of the affidavit of Mr. Ramesh Popat Handore. However, while carrying out the repairs of said Room Nos. 2 and 3, no damage be made to the Room No.1.

6. It is clarified that this order is passed without prejudice to the

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rights and contentions of both the parties and as Room Nos. 2 and 3 are in dilapidated condition.

7. Accordingly, the Civil Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]