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

CIVIL REVISION APPLICATION NO.766 OF 2023

Usman Ismail Lakdawala ... Applicant

V/s.

Chandrakant Mahadik

Through C. A. Shreenivas Mahadik &

Ors ... Respondents

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Mr. Ruben A. Fernandes, for Applicant.

Mr. R. Y. Sirsikar, for Respondent/MCGM.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 22, 2023

P.C.:

1. Learned Advocate for the applicant seeks permission to convert the civil revision application into writ petition.
2. Permission granted.
3. Necessary amendment to be carried out forthwith.
4. Apprehension expressed by the petitioner by way of present writ petition is that, grant of permission to repair suit structure based on report of Technical Advisory Committee, MCGM will adversely affect status of suit structure as to whether such structure is “dilapidated” or not.

5. By the impugned order, the Trial Court has permitted the plaintiff to carryout repairs. Such order is temporary in nature, so as to avoid any untoward incidents. However, it is made clear that such order shall not confer any right on the plaintiff to claim such suit structure has “dilapidated” or not.
6. With this clarification, the apprehension expressed by the petitioner is taken care of. The suit between the parties pending before the Small Causes Court and the present suit shall be decided on merits uninfluenced by the impugned order.
7. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)