



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1153 OF 2024
IN
SECOND APPEAL NO.843 OF 2016

Govind Balu Patil ... Applicant.

Versus

Gulab Govind Patil ... Respondent.

Mr. C.G. Gavnekar a/w Mr. Ashutosh Gavnekar, for Applicant.

Mr. Nakul Jain a/w. Mr.Devang Raut i/by Chitnis Vaithy and Co. for the Respondents- Original Appellants.

Coram : Sharmila U. Deshmukh, J.

Date : April 3, 2024.

P. C. :

1. Interim Application has been preferred by the Applicant seeking permission to carry out repairs of House No.594 situated at/post Akshi, Tal. Aligbag, District Raigad by directing the Gram Panchayat Akshi to grant her permission to carry out repairs at her costs.

2. Learned counsel appearing for the Applicant submits that Trial Court and the Appellate Court have answered the issue of ownership of House No.594 in favour of the Applicant. He further points out that by order dated 20th December, 2016 passed in the Civil Application No.1658 of 2016, this Court had restrained the Appellants-herein from creating any third party rights or from parting of possession during the pendency of the Second Appeal. He would further submit that the

house was dilapidated and as such permission was sought from the Gram Panchayat and it was informed to her that due to objection taken by the Appellants, the request for permission was not being considered by the Gram Panchayat.

3. During the hearing of this Application, this Court had called upon the Applicant to set out the exact repairs which are proposed to be carried out. By way of an affidavit dated 12th February, 2024, the Applicant has set out in paragraph 3 of the said affidavit the proposed repairs.

4. Learned counsel appearing for the Respondents submits that if the repairs are restricted to those stated in the paragraph 3 of the affidavit dated 12th February, 2024, the Appellant has no objection.

5. In view thereof, the Interim Application is allowed. The Applicant is permitted to apply to the Gram Panchayat Akshi for carrying out the repairs which are stated in paragraph 3 of the affidavit dated 12th February, 2024. If the Application is made, the Gram Panchayat Akshi to consider the said application in accordance with law and will not reject the application only on the ground of objection being raised by the Appellants-herein and or on the ground that the Second Appeal is pending before this court.

[Sharmila U. Deshmukh, J.]