



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 1893 OF 2024
IN WRIT PETITION NO. 6827 OF 2023 (D)

(Shyam s/o Narayanrao Ningurkar & Ors. Vs. Sudam s/o Narayanrao Ningurkar & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Tejas Deshpande, Counsel for the applicants/petitioners.
Shri H.R. Gadhia, Counsel for the non-applicants.

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CORAM : ANIL L. PANSARE, J.
AUGUST 23, 2024.

Modification is sought in order dated
19/6/2024 by replacing the suit property at Sr. No. (d) by
Sr. Nos. (e) and (f).

2] The learned Counsel for the applicants
submits that the suit property at Sr. No. (d) is in
possession of the non-applicants and, therefore,
permission to renovate the suit properties at Sr. Nos. (e)
and (f), which are in the possession of the applicants,
may be granted.

3] As against, the learned Counsel for the non-
applicants submits that there exist no structure on the suit
properties at Sr. Nos. (e) and (f). He further submits that
this Court has granted permission to renovate the suit
property at Sr. No. (d). Thus, it is indicated that
permission, as sought, cannot be granted because the suit
properties at Sr. Nos. (e) and (f), being open plots, there
cannot be renovation on the said properties.

4] As such, the learned Counsel for the applicants disputes the status as submitted by the non-applicants, in the sense, according to the applicants, there exists structure on the suit properties at Sr. Nos. (e) and (f), however, it will not be appropriate to enter into the disputed question of fact to modify the order, as prayed for.

5] The application is accordingly rejected.

6] The trial Court may proceed to decide pending applications on its own merit without getting influenced by order passed in this application.

(ANIL L. PANSARE, J.)

Sumit