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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4046 OF 2023
IN
SECOND APPEAL NO. 281 OF 2005**

Jairam Nanu Joshi (since Deceased) ... Applicants
Smt. Prabhavati Jairam Joshi and Others
Vs.
Subhash Dhondur Joshi (since Deceased) ... Respondents
Smt. Suhani Subhash Joshi and Others

**WITH
INTERIM APPLICATION NO. 4045 OF 2023
IN
SECOND APPEAL NO. 281 OF 2005**

Subhash Dhondur Joshi since Deceased ... Applicants
Smt. Suhani Subhash Joshi and Others
Vs.
Jairam Nanu Joshi since Deceased ... Respondents
Smt. Prabhavati Jairam Joshi and Others

Mr. Abhijit Joshi a/w. Ms. Swati Sawant for the Applicant in
IA/4046/2023.

Mr. Rushikesh G. Bhagat i/b. M/s. Khandeparkar and Associates for
the Appellants/Applicants in IA/4045/2023.

CORAM : GAURI GODSE, J.

DATE : 3rd MARCH 2025

ORDER :

1. Interim Application No. 4045 of 2023 is not on board. Taken on
board. This application is filed by the appellants seeking permission

to carry out repairs to the house property in possession of the appellants.

2. Interim Application No. 4046 of 203 is filed by the respondent-original plaintiff seeking permission to carry out repairs of the house property in possession of the respondents.

3. The second appeal arises out of a decree for injunction restraining the defendants from obstructing plaintiffs possession over the suit property. The second appeal is already admitted and pending for final hearing.

4. Pending the appeal, the parties are directed to maintain status quo in respect of the suit property by order dated 5th August 2005. Hence, both the parties have filed application seeking permission to carry out repairs.

5. There is no dispute that the respective house in possession of the respective parties are in a dilapidated condition and therefore repairs are necessary.

6. Considering the nature of the dispute and the relationship between the parties, it is advisable that parties make one genuine attempt to resolve the dispute amicably. However, in view of the contents of both the applications, I see no reason for not permitting

the respective parties to carry out repairs to their respective houses.

7. The parties are therefore permitted to carry out repairs without prejudice to the their respective rights and contentions in the second appeal. It is clarified that parties would be entitled to carry out repairs of their respective houses, subject to necessary permission to be taken as required in law.

8. Though there are prayers made in the respective applications for digging water well in the suit property and constructing separate rest room, the respective parties do not press for reliefs at this stage.

9. Hence both the applications are disposed of in the above terms.

[GAURI GODSE, J.]