

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12789 OF 2025
WITH
INTERIM APPLICATION NO.11395 OF 2025**

Samir Suresh GalaPetitioner
Vs.
Sachin Sahajirao Jadhav & Anr.Respondents

Ms. Divya A. Pawar with Ms. Trupti T. Padekar, for the Petitioner.
Mr. Kuldeep Nikam, for the Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 23rd DECEMBER 2025

PC.:-

1. Heard learned Advocates appearing for respective parties.
2. The Application filed by Petitioner below Exhibit 28 in Regular Civil Appeal No.154 of 2020 has been rejected vide impugned order dated 2nd January 2024. It is contention of Petitioner that he is tenant in suit property. Respondents instituted suit for eviction on ground of *bona fide* requirement. The suit has been decreed and Petitioner has filed appeal against eviction decree. According to Petitioner, there are leakages and seepage in suit premises. Landlords are not maintaining property and therefore, directions are necessary to cause repair. The Appellate Court rejected said

application, firstly, on ground that similar application was filed below Exhibit 38, which was allowed, however, appellants have not complied with conditions. Secondly, particulars of required repairs are not specified in application.

3. The learned Advocate appearing for Petitioner would submit that Petitioner may be permitted to file a fresh comprehensive application containing details of proposed repairs and if such an application is filed, Appellate Court may be directed to consider the same on its own merits.

4. Looking to reasons as recorded by Appellate Court for rejection of application at Exhibit 28, there is no difficulty to grant liberty to applicant to file application containing necessary details regarding proposed repairs. Accordingly, Writ Petition is disposed of with aforesaid liberty.

5. If such an application is filed, Appellate Court may consider it on its own merits.

6. It is made clear that aforesaid liberty shall not be treated as impediment in deciding appeal expeditiously.

7. The Writ Petition stands disposed of with aforesaid liberty.
8. In view of disposal of Petition, Interim Application also stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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