

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6954 OF 2025

IN

WRIT PETITION NO.3877 OF 2012

Rebacca Yusuf Biviji & Ors. ...Applicants

IN THE MATTER BETWEEN:

Shaikh Mohammed Iqbal ...Petitioner

Versus

Rebacca Yusuf Biviji & Ors. ...Respondents

Ms. Divya Tyagi a/w Ms. Shanvi Punamiya, for the Applicants in
IA/6954/2025.

Mr. Madnesh V. Singh, for the Petitioner in WP/3877/2012.

CORAM: MADHAV J. JAMDAR, J.

DATED: 29 APRIL 2025

P.C.:

1. The Interim Application is filed by the Applicants i.e. Original Respondents in the Writ Petition filed in the year 2012. The Applicants i.e. Original Respondents are the Landlords. The relief sought in the Interim Application is to allow the Applicants i.e. Landlords to carry out repairs of the terrace area of the suit building and for that purpose access be provided to the Respondents through Room No.22 occupied by the Petitioner as tenant.

2. The Petitioner - Shaikh Mohammed Iqbal is present in Court and states that he has no objection for giving access through Room No.22 to the Applicants i.e. Respondents / Landlords for carrying out repairs.

3. Mr. Madnesh Singh, learned Counsel appearing for the Landlords

tenders letter dated 28th April 2025, which has been signed by about six tenants requesting Landlords to unlock the terrace for carrying out repairs.

4. Learned Counsel appearing for the Applicants – Landlords states that all the tenants have come together and they will be carrying out the repairs. The Original Petitioner who is present in Court states that he will contribute proportionate cost if all the tenants contribute to the repairs of the terrace and other common areas.

5. Accordingly, the Interim Application is disposed of by recording statement of the Petitioner that he will give access through Room No.22 in his occupation for carrying out repairs to the terrace and also he will contribute proportionate cost of repairs of terrace and other common areas if all the tenants contribute to the repairs. However, it is clarified that while carrying out the repairs of the terrace and other common areas of the suit building utmost care will be taken to ensure that the said Room No.22 shall not be damaged.

6. Accordingly, Interim Application is disposed of in above terms with no order as to costs.

7. As far as the prayer clause (c) of the Interim Application is concerned, the Applicant is granted liberty to file separate Interim Application.

[MADHAV J. JAMDAR, J.]