

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9196 OF 2022

Yogesh Ramesh Gholap and Anr. ...Petitioners
V/s.
District Magistrate, Thane & Ors. ...Respondents

Mr. Swaraj Jadhav a/w Mr. Vikas Kumbhar, Ms. Shruti Kumbhar for the Petitioners.

Mr. Siddharth R. Ingale for the Respondent No.2.

Mr. S. D. Rayarikar, AGP for Respondent Nos. 1 & 3-State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 20TH JUNE, 2024.

P.C. :-

1. It is not in dispute in Special Civil Suit No.401 of 2022 the plea that the apartment Nos.103 and 104 which are the subject matters of the impugned orders are in a lis, on the plea that they are procured from ancestral funds in which the application for Exhibit - 5 has already been heard and is posted for decision on 4th July.

2. It is equally not disputed that the Respondent No.2, is getting a sum of Rs. 79,860/- p.m. as a licensee fee viz-a-viz

Annapurna Restaurant which would indicate, that she has sufficient income to maintain herself. It is also not in dispute that presently Respondent No. 2 is residing with her younger son. The Petitioner is the elder son of the Respondent No.2 and its presently occupying Apartment Nos. 103 and 104, we have been clubbed together to form a single apartment.

3. The contention of the learned counsel for Respondent No.2 that apartment No.103 would be required for her residence, shall be considered upon decision of Exhibit – 5 in SCS No 401 of 2022 which is expected to be decided on 4th July.
4. List the matter on 5th July, 2024
5. Ad-interim relief to continue till next date.

(AVINASH G. GHAROTE, J.)