

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

SECOND APPEAL NO. 703 OF 2014

Kondiba Kerba Surje .. Appellant/orig. Plaintiff

vs

Prabhabai w/o Bhimrao Monwar ..Respondent/orig.defendant

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Mr. Gajanan G. Kadam, Advocate for appellant

Mr. M. V. Ghatge, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 3rd April, 2017

ORDER :

1. To be heard along with second appeal no. 5 of 2014 which is admitted today.
2. Learned counsel Mr. Ghatge appearing on behalf of respondent states that the respondent has to maintain handicapped child and appellant is causing hindrance in her maintenance and the respondent is harassed and vexed.
3. Mr. Ghatge points out that as a matter of fact the two rooms which have been subsequently constructed over the portion about which dispute is pending in second appeal may not be demolished during pendency of second appeal, however, those two rooms shall not be put to any use as there is every

likelihood of disturbance to peaceful possession of disputed property specially having regard to handicapped child. Learned counsel for the appellant submits that appellant/applicant resides over the same.

4. Having regard to aforesaid, it would be expedient that so far as the two rooms over disputed premises are concerned, if appellant claims to be residing there, he shall use the same peacefully, without causing hindrance, obstruction, or harassment to respondent's occupation in the suit property.

5. In case of any exigency, parties are at liberty to make proper application.

SUNIL P. DESHMUKH,
JUDGE

pnd