

CASE NO.:
Appeal (civil) 1725 of 2008

PETITIONER:
GULSHAN PYARALI MAZGAONWALLA

RESPONDENT:
ZAHID AHMEDALI MAZGAONWALLA & ANR

DATE OF JUDGMENT: 04/03/2008

BENCH:
A.K.MATHUR & ALTAMAS KABIR

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.1725 OF 2008
(Arising out of SLP(C) No.17471 of 2006)

We have heard learned counsels for the parties.
Leave granted.

This appeal is directed against the judgment and order dated 11th July, 2006 passed by the High Court of Judicature at Bombay in First Appeal No.46 of 2000 in L.C. Suit No.1743 of 1992 whereby the High Court has finally allowed the First Appeal of the respondents.

After hearing learned counsels for the parties, we modify the order of the High Court to the extent that so far as possession of the appellant measuring approximately 1200 sq. ft. is concerned, she is entitled to injunction and that the respondents shall not interfere with her peaceful possession. The appellant also will not

...2/-

-2-

interfere with the possession of the respondents measuring approximately 400 sq. ft. Both the parties shall co exist peacefully.

Both the parties are entitled to use the common areas.

The order of the High Court is modified to this extent only.

The appeal is accordingly, disposed of.