

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 916 OF 2015

Ashok T. Wagh & Ors.	..	Petitioners
vs.		
State of Maharashtra & Ors.	..	Respondents

Mr. Prasad Kulkarni with Mr. Prakash Shejal i/b. Prasad Kulkarni & Associates for Petitioners.
Ms Aparna Vhatkar -AGP for Respondent No. 1.
Mr. Deepak More for Respondent Nos. 2 to 4.
Mr. Ram Apte – Senior Advocate i/b. P. P. Kulkarni for Respondent Nos. 5 to 26.
Mr. Pravartak Pathak for Respondent No. 27.

CORAM : M. S. SONAK, J.
DATE : 23 FEBRUARY, 2015

P.C. :-

1] Rule. With the consent of and at the request of the learned counsels for the parties, Rule is made returnable forthwith.

2] This petition challenges the order dated 2 January 2015, by which the Slum Tribunal has vacated the interim exparte order dated 27 November 2014.

3] If the impugned order is perused, then the main reason for vacation of the exparte order dated 27 November 2014 is that Advocate for the appellant, Shri Prakash Shejal had not filed his vakalatnama.

4] This, in my judgment would not be a valid reason for vacating the exparte order dated 27 November 2014. The parties could always have been afforded liberty to sign the vakalatnama in favour of Shri Prakash Shejal or to furnish a letter of authority in his favour. On this short ground and no other, the impugned order dated 2 January 2015 is set aside.

5] As a result of setting aside the impugned order dated 2 January 2015, the exparte order dated 27 November 2014 is restored. Further the same shall operate until upto 2 March 2015. On that date, it shall be open for Shri Prakash Shejal or any other Advocate duly authorised by the parties to appear and make submissions with regard to the extension of exparte order dated 27 November 2014.

6] It is pointed out that several persons have vacated the site and on account of the exparte order, the development at the site has been stalled. In these circumstances, it is only appropriate that the Slum Tribunal decides on the issue of extension of exparte order dated 27 November 2014 expeditiously and in any case on or before 10 March 2015.

7] It is clarified that this Court has not gone into the merits of the matter and all contentions of all the parties are left open.

8] The learned counsel for the petitioners states that formal amendment remained to be carried out and the same shall be carried out during the course of the day. The request is accepted.

9] Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka