

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5413 OF 2015

Daulat Valji Pithadia and Ors.

...Petitioners

v/s.

Mumbai Municipal Corporation and Anr.

...Respondents

Mr.Surel S. Shah a/w Mr.Ashish Mishra and Mr.Sanjeet Shukla, for the
Petitioners.

Ms.Pallavi Thakar, for the Respondent Nos.1 and 2.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 17th JUNE, 2015.

P.C.

Not on board. Taken on board.

1. We transfer this petition to the Original Side. Necessary amendment shall be carried out within a period of one week from today.
2. As the petitions filed in this category of the Original Side are assigned to this Bench, we have taken up the petition considering the nature of urgency.
3. Place the Petition on 3rd July, 2015.
4. Till the next date, by way of ad-interim relief, we restrain the

Municipal Corporation from taking further steps on the basis of impugned notice dated 25th May, 2015, subject to condition of the petitioners filing an undertakings on oath in this Court, stating therein that they shall occupy the building in question at their own risk and that in the event the building or any part thereof collapses and any loss is caused to any third party, they shall be solely responsible for such loss. If such undertakings are not filed on or before 26th June, 2015, the ad-interim relief shall stand vacated, without further reference to the Court.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)