

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7211 OF 2015

Ramakant Shridhar Sawant & Ors.	..	Petitioners
vs.		
Chief Executive Officer, M.B.R. & R. Board & Ors.	..	Respondents

WITH
CIVIL APPLICATION (STAMP) No. 29377 OF 2015

Smt. Jaya Cheeda	..	Applicant
<u>In the matter between :</u>		
Ramakant Shridhar Sawant & Ors.	..	Petitioners
vs.		
Chief Executive Officer, M.B.R. & R. Board & Ors.	..	Respondents

Mr. S. M. Sabrad for Petitioners.
 Mr. V. M. Parashurami for Respondent Nos. 1 and 2.
 Ms Geeta Joglekar for Respondent No. 3 - MCGM.
 Mr. Arshad Shaikh - Senior Advocate i/b. Mr. Manoj Kadam for
 Respondent No. 4.
 Mr. N. V. Walawalkar - Senior Advocate for Applicant in C.A.

CORAM : M. S. SONAK, J.
DATE: 27 OCTOBER 2015

P.C. :-

1] The learned counsel for the Petitioners and the Respondent No. 4 hand in Minutes of Order, which are taken on record and marked as 'X' for the purposes of identification. The Minutes are signed by the respective Advocates as also, by the Advocate for the Respondent No. 1 only for the purposes of identification.

2] There shall be an order in terms of the Minutes. Further, it is made clear that the MHADA will complete the exercise in terms of paragraph 2 of the Minutes of Order as expeditiously as possible and in any case within a period of four weeks from today. Upon, the MHADA being satisfied that the premises allotted to the Petitioners as per its approved list are habitable, the Petitioners shall abide by their statement and shift to the allotted premises within a period of one week from the Certification by MHADA. In case, there is any breach, the MHADA shall be entitled to enforce the orders made by it under Section 95A of the Maharashtra Housing and Area Development Act.

3] The Respondent No. 4 to comply with the undertaking set out in paragraph 4 of the Minutes of the Order. Further, the Respondent No. 4 to furnish a copy of such Affidavit to the learned counsel for the Petitioner before the same is filed in the Registry.

4] Civil Application (Stamp) No. 29377 of 2015 is not on board. Upon mentioning, taken on board.

5] Smt. Jaya Cheeda, the Applicant in Civil Application has applied for intervention in this Petition. The basis for such intervention is that the said Applicant has certain disputes with the

legal representatives of partners of the Respondent No. 4. There is nothing in the Minutes of Order as also the order made by this Court on the basis of such Minutes, which will affect the alleged rights of the Applicant, in so far as her dispute with the legal representatives of partners of Respondent No. 4 is concerned. Accordingly, it is not necessary to entertain the intervention application. However, it is made clear that the order in this Petition, shall, in no manner affect any of the parties in Suit No. 3197 of 2008, where the dispute between the Applicant and the legal representatives of partners of Respondent No. 4 is pending.

5] Civil Application is disposed of accordingly.

6] The writ Petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

Chandka