

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
REVIEW PETITION NO.4/2013
IN
APPEAL FROM ORDER NO.628/2012
WITH
REVIEW PETITION NO.3/2013
IN
APPEAL FROM ORDER NO.617/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Jamshed Ansari for the Petitioner
Mr. Vaibhav M. Parasmani for the Respondent No.2.
Mr. S. K. Sonawane for Municipal Corporation

CORAM : K. K. TATED, J.

DATE : JUNE 29, 2015

P.C.:

1. Heard. The present Review Petitions are filed by the original Plaintiff for review of order dated 23/10/2012 passed by this court (Coram : B. P. Dharmadhikari,J.) in the respective Appeals from Order.

2. The learned Counsel for the petitioner submits that subsequently other aggrieved parties filed Appeal from Order No. 573/2012 with connected matters for the same cause of action as involved in the matter in hand. Those Appeals from Order have been decided by this Court (Coram : S.C. Dharmadhikari, J) by common order

dated 14/12/2012. He submits that in those Appeals from Order, the learned Counsel for MHADA made a statement that they will not dispossess the occupants of the suit premises unless and until same is required for redevelopment. This Court also directed to the occupants in those matters to file an affidavit-cum-undertaking stating that as and when the property requires for redevelopment, they will vacate and hand over the same to the developer. He submits that the facts involved in the matter in hand as well as subsequent Appeal from Order No. 573/2012 are similar. He submits that this Hon'ble Court be pleased to allow both the present Review Petitions by recalling the order dated 23/10/2012 in Appeal from Order No. 628/2012 and Appeal from Order No. 617/12 and dispose of the same, on same terms and conditions as recorded by this Court (Coram : S.C. Dharmadhikari, J.) in order dated 18/12/2012 in Appeal from Order No. 573/2012 with connected matters. He further submits that Review Petitioners already filed their affidavit-cum-undertaking in both the matters and same are on record.

3. Considering these facts, the learned counsel for the Respondent MHADA submits that they

have no objection if the Review Petitions are allowed on same terms and conditions as recorded in order dated 14/12/2012 in Appeal from Order No.573/2012 with connected matters.

4. Hence, the following order:

- a. By consent, Review Petitions are allowed.
- b. The impugned order dated 23/10/2012 passed by this Court (Coram : B. P. Dharmadhikari,J.) is recalled.
- c. Both Appeals from Order No.628/2012 and 617/2012 stand disposed of for the reasons recorded in order dated 14/12/2012 in Appeal from Order No.573/2012 with connected matters.
- d. Additional affidavit and undertaking dated 24/06/2014 filed by the Appellant in both the matters are accepted.
- e. Civil Application, if any, stands dismissed as infructuous.

JUDGE