

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

APPEAL FROM ORDER NO.41 OF 2015
WITH
CIVIL APPLICATION NO.51 OF 2015

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. J. Reis, Senior Advocate with Mr. Nandanwar for the Appellant Municipal Corporation
Mr. Pravin Samdhani, Senior Advocate with G. V. Murli with Mohan Rao & R. M. Malandkar i/b. MSR & Associates for the Respondent.

CORAM : K. K. TATED, J.
DATE : APRIL 7, 2015

P.C.:

1. Heard. By this Appeal from Order the Municipal Corporation challenges the order dated 04/10/2014 passed by the Bombay City Civil Court, Mumbai in Notice of Motion No.1922/2014 in L.C.Suit No.1518/2014 restraining the Corporation from in any manner acting as per the letter dated 20/05/2014 i.e. taking possession of the suit plot being playground/ garden situated at CTS No.194A, near Pune Vidyarth Gruha, Nath Pai Ngar, Ghatkopar (E), Mumbai – 400 077.

2. Both the counsel state that it is not necessary to pass a reasoned order. Hence, by consent of the parties, the Appeal from Order is disposed of in the following manner.

a) The Respondent Plaintiff is permitted to make an appropriate Application to the Additional Municipal Commissioner (in-charge of Garden Department) as per clause 39 of agreement for the period from 1.1.2009 to 1.12.2014 within 6 weeks from today.

b) The learned Additional Municipal Commissioner (in-charge of Garden Department) is directed to decide the said Application as early as possible by giving personal hearing to the Respondent Plaintiff.

c) Till decision by the Authority, the Municipal Corporation is directed to maintain status-quo as on today.

d) If adverse order is passed against the Respondent / Plaintiff by the Authority, in that case, the Corporation should not take any action against the Plaintiff for a period of four weeks from the date of communication thereof to them in writing.

e) The learned counsel for the Respondent Plaintiff undertakes to withdraw the L.C.Suit No.1518/2014 within four weeks from today.

f) It is made clear that if an Application is not made within stipulated time as stated hereinabove by the Respondent Plaintiff, the Municipal Corporation is free to take appropriate steps as per law.

g) All contentions of the parties are kept open including the challenge to the policy dated 22/01/2009.

h) The Appeal from Order stands disposed of accordingly.

i) Consequently, the Civil Application stands dismissed as infructuous.

JUDGE