

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1719 OF 2013**

Hope Hall Co-operative Housing Society Limited
& Anr. ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & ...Respondents
Ors.

Mr. Aziz Khan a/w Mr. J. A. Chokshi i/b m/s. Divya Shah
Associates for the Petitioners.
Mr. Vinod Mahadik for the Respondent Nos. 1 to 4.
Mr. Karl Shroff a/w Mr. Sameer Chavan, i/b M/s. Dave & Co. for
the Respondent Nos. 8 and 9.

CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 22nd December 2015

PC:-

1. The learned counsel appearing for the 8th Respondent has tendered an Affidavit of Mr. Sameer Laxman Chavan, dated 16th December 2015. He states that the Affidavit has been filed by Mr. Chavan who is duly authorised by the 8th Respondent. He states that the statements made in the Affidavit may be accepted as undertakings by the 8th Respondent. Accordingly, we accept the statements made in the said Affidavit as the undertakings of the 8th Respondent. In view of the undertakings, the Petition need not be kept pending.

2. Hence, we dispose of the Writ Petition by passing the following order:

- (a) The Affidavit of Mr. Sameer Laxman Chavan dated 16th December 2015 is taken on record and marked “A1” for identification. The statements made in the said Affidavit are accepted as undertakings of the 8th Respondent;
- (b) In the event the 8th Respondent proposes to use the premises in question for any commercial activities, an advance notice of 15 days shall be served to the Petitioners before actually starting any commercial activity in the premises in question;
- (c) Needless to state that remedies of the parties are kept open.

(G. S. PATEL, J.)

(A. S. OKA, J.)