

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1994 OF 2015

IN

SUIT (L) NO. 457 OF 2015

Mr. Jaywant Narayan Naik ... Applicant /
Defendant No. 2

IN THE MATTER BETWEEN :

Shrikant Ramchandra Gavand and Ors. ... Plaintiffs

Versus

Bhandup Laghu Udyog Mandal and Ors. ... Defendants

Mr. Shardul Singh i/b. S.S. Sharma for the Plaintiffs.

Mr. G.S. Bhatt for Defendant Nos. 1 to 5.

CORAM : S.J. KATHAWALLA, J.
DATED : 11TH DECEMBER, 2015

P.C.

1. The above Notice of Motion is taken up for final hearing, by consent.
2. The above Notice of Motion is taken out by Defendant No. 2 for the following reliefs :

“(a) That pending the hearing and final disposal of the Suit, the Defendant No. 2 be permitted to grant Gala Nos. 5 and 6 situate at Bhandup Laghu Udyog Mandal, Lake Road, Bhandup (W), Mumbai - 400 078 on Leave and License basis to the prospective licensees on such terms and conditions as this Hon'ble Court may deem fit ;

(b) That pending the hearing and final disposal of the Suit, the Defendant No. 2 be permitted to carry out the repair work of repairing the flooring by tiles and plastering, cementing, painting the walls and slab of Gala Nos. 5 and 6 situate at Bhandup Laghu Udyog Mandal,

Lake Road, Bhandup (W), Mumbai – 400078”.

3. Heard the learned Advocates appearing for the Plaintiffs and Defendant Nos. 1 to 5. Perused the Notice of Motion and the Affidavit in support thereto.
4. The Notice of Motion is allowed in terms of prayer clauses (a) and (b) above subject to the following conditions :
 - i. The term of Leave & License shall not exceed beyond 22 months.
 - ii. It will be provided in the Leave & License Agreement that the above proceedings are pending in Court and the Licensee/s shall vacate the premises as and when directed by the Court.
 - iii. A copy of the Leave and License Agreement shall be provided to the Plaintiffs within a period of 15 days from the date of its execution.
 - iv. In the event of any permission being required from the Mumbai Municipal Corporation for carrying out the works set out in prayer clause (b), the same shall be carried out after obtaining such permission from Mumbai Municipal Corporation.
 - v. The Advocate for the Plaintiffs has submitted that the subject Galas are unauthorized. If the said Galas are found to be unauthorized by the Mumbai Municipal Corporation (MMC), this order will not preclude the MMC from taking necessary action by following the due process of law.
6. The Notice of Motion is accordingly disposed off.

(S.J.KATHAWALLA, J.)