

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.463 OF 2015

IN

CIVIL REVISION APPLICATION NO.417 OF 2007

Shantaram Vasudev Mantri

(Since deceased through his Lrs)

Mina Sudhir Weling and others

.. Applicants

IN THE MATTER BETWEEN

Shanta Govind Khawaskhan

.. Applicant

Versus

Shantaram Vasudev Mantri

(Since deceased through his Lrs)

Mina Sudhir Weling and others

.. Respondents

Mr. M. S. Athalye, for the Applicants in Civil Application.

Mr. S. S. Patwardhan, for the Respondent/original Applicant in CRA.

CORAM : R.M. SAVANT, J.

DATE : 24th FEBRUARY 2016

PC.

1. The above Civil Revision Application has been admitted and is pending hearing and final disposal. During the pendency of the above Civil Revision Application, it seems that the structure wherein the suit premises are situated were demolished pursuant to a notice under Section 195 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial

Townships Act, 1965. The interim stay was operating restraining the Applicants herein from interfering with the possession of the original Civil Revision applicant. The above Civil Application has been filed for vacating the said interim relief granted on the ground of the structure wherein the suit premises were situated being demolished. In support of the case of demolition, the notice dated 27.06.2013 issued by the Satara Municipal Council to the Applicants is annexed. By the said notice, the Satara Municipal Council has demanded an amount of Rs.57,400/- as demolition charges from the Applicants. The Learned Counsel appearing for the original Civil Revision Applicant Mr. S. S. Patwardhan does not dispute the factum of demolition of the structure wherein the suit premises were located. In my view, the Civil Application in view of the said supervening event would be required to be allowed and is accordingly allowed in terms of prayer clause (b). However, any further steps that the Applicants i.e. the Respondents would take would be subject to the rights of the Respondent i.e. the original Civil Revision Applicant. The Civil Application is allowed in terms of prayer clause (c) and in so far as the prayer clause (b), the same is rejected in view of the fact that the above Civil Revision Application is pending.

[R.M. SAVANT, J]