

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER NO.412 OF 2014
with CIVIL APPLICATION NOS.466 OF 2014 AND 1257 OF 2014

Lalani Construction Pvt.Ltd...

.. Appellant

vs

Imtiaz Ismail Piyarji & ors ...

.. Respondents

Ms.Rishika Jhaveri a/w Mrs.Shweta Vishwasrao

i/b Shah & Sanghvi for Appellant

Mr.Chirag Shah for Respondent nos.1 and 2

Mr.S.K.Sonawane for BMC

...
CORAM: G.S.KULKARNI, J
DATE: 3RD MAY, 2016

P.C.

1. Learned counsel for the appellant/original defendant no.3 and learned counsel for respondent nos.1 and 2/original plaintiffs have tendered consent terms arrived between the parties in respect of the dispute pertaining to the suit premises and submit that this appeal be disposed of in terms of the consent terms. The Municipal Corporation-respondent no.3 and Assistant Commissioner, Municipal Corporation respondent no.4 are not parties to this consent terms. Appeal therefore, stand rejected as against respondent nos.3 and 4. Accordingly, Consent terms between the appellant and respondent nos.1 and 2 are taken on record and marked 'X' for identification. Undertakings as given by respective parties in various clauses of the consent terms are accepted.

2. Appeal is disposed of in terms of consent terms.
3. At this stage, learned counsel for the appellant has submits that suit premises are categorized as C-1 category building and is in a dilapidated condition. It is pointed out that in clause 28 of the consent terms parties have provided that the Municipal Commissioner would be free to demolish the same as per law being declared as C-1 category building.
4. In this regard, learned counsel for the respondent no.2 and on instructions from his clients who are present in Court states that till the suit premises are vacated respondent nos.1 and 2 shall occupy the premises at their own risk and consequences and in the event of any unfortunate incident of collapse of the building, they shall not blame either the appellants or the Municipal Corporation or its Officers or any other Government authority. The statement is accepted.
5. Appeal from order is disposed of in terms of consent terms and the observations as made in paragraph 3 above. No order as to costs.

6. Civil Application Nos.466 of 2014 and 1257 of 2014 also would not survive and is disposed of accordingly.

G.S.KULKARNI, J

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