

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

APPEAL FROM ORDER (ST) NO. 9447 OF 2016

Mr.Azizur Rehman Ansari,
Chawl No.18, Shop No.15,
Khemraj Mansion, (Manik Bldg.),
Pathe Bapurao Marg, Mumbai – 4.

... Appellant

 v/s

1. Maharashtra Housing & Area Development Authority, Grihanirman Bhavan, MHADA, Kalanagar, Bandra (East), Mumbai 400 051, & ors.

2. Mumbai Building Repairs & Reconstruction Board, (M.B.R.R. Board), Tardeo Rd., Mumbai – 400 034.

3. M/s.Rubberwala House & Infrastructure Ltd., Grant Road, Mumbai-7.

... Respondents

*ALONG WITH
APPEAL FROM ORDER NO. 9493 OF 2016*

Mr.Suhel Ahmed Siddiqui,
Chawl No.8, Gala No.5A, Gr. Floor,
Khemraj Mansion, (Manik Bldg.,)
Pathe Bapurao Marg, Mumbai – 4.

... Appellant

 v/s

1. Maharashtra Housing & Area Development Authority,
Grihanirman Bhavan, MHADA,

Kalanagar, Bandra (East),
Mumbai 400 051, & ors.

2. Mumbai Building Repairs &
Reconstruction Board,
(M.B.R.R. Board), Tardeo Rd.,
Mumbai – 400 034.

3. M/s.Rubberwala House &
Infrastructure Ltd., Grant Road,
Mumbai-7.

... Respondents

Mr.P.N. Kulkarni for the appellants in both appeals.

Mr.Vishwajeet Sawant for Resp. Nos.1 & 2 in both appeals.

Ms.Kavita Shah for Resp. No.3 in both appeals.

CORAM: N.M. Jamdar, J.

DATED : 12 April 2016

ORAL ORDER:

Taken on production board in view of the *praecipe* filed by the Appellants.

2 The Appellants seek to challenge the order passed by the City Civil Court on 9 March 2016, refusing the ad-interim relief to the appellants.

3 An order has been passed by the authority under Section 95(A)(2) of the Maharashtra Housing and Area Development Authorities Act. It has been placed on record before the City Civil Court that more than 70% occupants have given their consent for redevelopment. N.O.C. and I.O.D. have also been issued. As on today, the name of the Appellants do not

appear in Annexure-II. Learned counsel for Respondent Nos.1 and 2 states, on instructions, that the order under Section 95(A)(2) has already been executed on 6 April 2016. Learned counsel for the Appellants has not been able to controvert the same. Learned counsel for the Appellants submits that the applications made by the Appellants for inclusion of their name in Annexure-II is pending. If a favourable order is passed in favour of the Appellants, for inclusion of their names in Annexure-II, it is always open to the Appellants to seek appropriate reliefs in the pending suit. The appeals, therefore, need not be kept pending.

4 The appeals are disposed of accordingly.

(N. M. JAMDAR, J.)