

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 815 OF 2015****ALONGWITH****CIVIL APPLICATION NO. 994 OF 2015****M/s. Hornby Properties Pvt. Ltd.****..... Appellant****VERSUS****Kai Pestonhi Nicholson & Ors.****..... Respondents**

Mr.Mayur Khandeparkar, i/b. Mr.Rohan Sonawane for the Appellant.

Mr.P.G.Lad, a/w. Ms.Aparna Murlidharan for MHADA/Respondent nos. 4 to 7.

Mr.Sagar Agarkar for the Applicant in Civil Application No.1545 of 2015.

Officer of MHADA is present in court.

CORAM : R.D. DHANUKA, J.**DATED : 3rd MARCH, 2016****P.C.**

Mr.Khandeparkar, learned counsel appearing for the appellant seeks liberty to delete the name of respondent nos. 1 to 3 and 8 from the cause title of the appeal from order. Leave to amend is granted to delete the names of those parties. Amendment to be carried out during the course of the day.

2. By consent of the appellant and respondent nos. 4 to 7, following order is passed :-

- (a) MHADA has already valued the salvage in respect of the building under repairs at Rs.7,92,151/- which the appellant has agreed to pay during the course of the day.

(b) There is no dispute that 25% of the salvage is already generated. MHADA has no objection if the salvage already generated is removed by the appellant from the site. The appellant has agreed to remove such salvage within 48 hours from today.

(c) Insofar as removing of the salvage which would be generated is concerned, MHADA has agreed to issue three days advance notice to the appellant to remove such salvage. Upon receipt of such notice, the appellant shall remove such salvage within 48 hours from the date of the receipt of such notice.

(d) The occupants of the suit building are directed to co-operate with MHADA in carrying out the repairs to the suit building expeditiously. The learned counsel for the MHADA has agreed that the repairing work would be carried out expeditiously if the co-operation is provided by the owners as well as the tenants. Statement is accepted.

(e) It is made clear that the salvage shall be generated expeditiously.

3. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of the disposal of the appeal from order, civil application does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]