

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Review Petn. NO. 10 OF 2016
IN
Civil Application NO. 528 OF 2016

Ajay Kumar Hariram Maroo	...Petitioner
<i>Versus</i>	
M/s. Raj Doshi Exports Private Limited	...Respondent

Mr.J.G.Damani, for the Petitioner.

Ms.Prerna R.Lalchandani, for the Intervener.

Mr.PG.Lad, for Respondent Nos.1 and 2.

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CORAM : G.S.KULKARNI,J.
(In Chamber)

DATED: 22nd August,2016

P.C.:

1. Heard the learned Counsel for the Petitioner, learned Counsel for Respondent Nos.1 and 2 and the learned Counsel for the Intervener. The only apprehension of the Review Petitioner is as to whether the order under review in any manner would affect the legal rights of the review Petitioner in respect of the suit property. The order under review dated 25 April 2016 has categorically recorded in paragraph 13(iv) as under:-

“(iv) It is clarified that the demolition at the hands of MHADA would not affect any legal rights of the appellant/owners who are otherwise entitled to their legal rights in respect of the suit building as per the observations made by this Court in para 2 of the order dated 12th July,2011 which remain completely undisturbed as also the legal rights of the tenants who were required to vacate the building.”

2. A perusal of the order under review also makes it clear that what was intended was that the MHADA would take appropriate steps, in exercise of the statutory powers and only in the interest and safety of human life and the property which would have prejudicially affected in the event of an unfortunate collapse. Admittedly since the year 2011 there was no prohibitory order restraining the MHADA to even otherwise exercise its statutory duties. It is clear that order under review in no manner affects the legal rights of the Appellants-owners which they are entitled to assert in respect of the property in question in appropriate proceedings. None of the parties disputed this position. This is also clarified in the earlier order dated 12 July 2011 passed by this Court in the appeal in question.

3. In view of the above clear position as appearing on record and

that the rights of the Review Petitioners as regards the suit property are in no manner affected by the order under review, the learned Counsel appearing for the Review Petitioners fairly seeks leave to withdraw the Review Petition.

4. The Review Petition is accordingly allowed to be withdrawn and disposed of as such. No order as to costs.

(G.S.Kulkarni, J.)