

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

***APPEAL FROM ORDER NO. 571 OF 2014
WITH
CIVIL APPLICATION NO. 693 OF 2014***

Jayshree Chunilal Rambhiya,
Room No.13, Rizvi House, Miranda Chawl,
D.L.Vaidya Marg, Dadar (W), Mumbai-28.... Appellant/Applicant

v/s

The Municipal Corpn. Of Gr. Mumbai & ors... Respondents

Mr.Kirti Munshi along with Prabhakar Jadhav for the appellant/
applicant.

Mr.A.V.Diwate for Respondent No.1 B.M.C.

Mr.PS. Dani, senior advocate i/by Omkar Kulkarni for Resp. Nos.2
and 3.

CORAM: N.M. JAMDAR, J.

DATED : 29 MARCH 2016

P.C.:

After arguing the matter for some time, learned counsel for the Appellant makes a limited request that, to help the appellant in getting her rights decided as regard the inclusion of the name of the Appellant in Annexure-II, the structure be not demolished for a period of one week from today, so that an evidence as regard the possession and other factors regarding the structure for the purpose

of Annexure-II can be obtained. This request made on instructions is accepted.

2 Accordingly, it is directed that that the structure in question be not demolished for a period of one week from today. In this period of one week, the concerned authority of the Corporation will visit the premises and make necessary report as regard the possession and other aspects of the suit structure, copies of which will be given to the Appellant, for the purpose of proceedings instituted by the Appellant in respect of Annexure II, if found eligible.

3 Learned counsel for Respondent Nos.2 and 3 submits on instructions that, in case the name of the Appellant is included in Annexure-II, Respondent Nos.2 and 3 will provide suitable place/premises in the newly constructed building as per the eligibility of the Appellant. This statement on instructions is accepted.

4 After a period of one week, the Appellant will vacate and hand over the peaceful possession of the suit property. Learned counsel for the Appellant, on instructions, undertakes to do so. This undertaking is accepted.

5 The appeal from order is accordingly disposed of.

6 In view of disposal of the appeal, the civil application does

not survive and is disposed of.

7 The officer of the Municipal Corporation will visit the premises without waiting for copy of the order.

(N. M. JAMDAR, J.)