

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11588 OF 2015

Mrs. Khursheed Ebrahim Malkani .. Petitioner
vs.
Mushtaq Usman Haji Mohammed
s/o. deceased Usman H. Mohammed and ors. .. Respondents

Mr. Anand H. Singh for the Petitioner.
Mr. S. Nagvadaria i/b Mr. Pankaj Bafna for Respondent No.1.
Mr. Vinod Mahadik for BMC.

CORAM : M. S. SONAK, J.
DATE : 12 JANUARY 2016.

P.C. :-

1] The learned counsel for the Petitioner, on basis of instructions from the Petitioner, does not press this petition. He, however, submits that it would be appropriate if directions are issued for expeditious disposal of Municipal Appeal No. 123 of 2015, as, the interim order made on 2 September 2015 seriously affects the rights and interests of the intervenor, whose intervention has been permitted in Municipal Appeal No. 123 of 2015, by order of this Court made today in Writ petition No. 11587 of 2015 and connected matters.

2] The request is reasonable. The Petitioner is permitted to withdraw the present petition. The petition is disposed of as withdrawn. However, the Small Causes Court at Mumbai is directed to dispose of the Municipal Appeal No. 123 of 2015, as expeditiously as possible and in any case, within a period of six months from today.

3] Further, in connected writ petitions the Petitioner herein has been permitted to intervene in municipal appeals instituted by the occupants. In some of the municipal appeals, similar interim relief is in operation. The issues involved in all the appeals, appear to be more or less common. Therefore, the Small Causes Court at Mumbai is directed to similarly dispose of Municipal Appeal Nos.131, 132, 133, 135 and 134 of 2015 also within a period of six months from today. It is to be noted that the Appellants in all these appeals are represented by one and the same advocate. Same is the position, insofar as the MCGM as well as the intervenor is concerned. Therefore, it is appropriate that directions for expeditious disposal of such appeals are issued and same are hereby issued.

4] All contentions of all parties are kept open. The appeals are directed to be disposed of by the Small Causes Court at Mumbai without being influenced by any observations made by this Court in this judgment and order, as also by the Small Causes Court, at the stage of grant of interim reliefs in favour of the Appellants.

5] Petition is disposed of in the aforesaid terms.

6] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)