

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Appeal from Order NO. 82 OF 2015

with

Civil Application no.98 of 2015

Mr. Sanjay Chotu Pansekar

...Appellant

Versus

The Assistant Commissioner, B.m.c.

...Respondent

*Mr.Agashe i/b. Siddharth Ingule, for the Appellant.**Mr.A.V. Diwate, for Respondent No.1.**Mr.Mohit Jadhav, for Respondent No.2.***CORAM: G. S. KULKARNI, J.****DATED: 6th May, 2016**

PC:-

1. On the last occasion the matter was adjourned as the learned Counsel for the parties informed the Court that the issue in this appeal and the suit is being resolved.

2. Today the learned Counsel for the parties have jointly tendered minutes of the order which record the terms and conditions of settlement. The Appellant has agreed to accept a permanent alternate accommodation bearing Room No.833 of the Building No.39, Mahul, Chembur, Mumbai as specifically described in allotment dated 5th May,2016, in lieu of the suit premises being surrendered to the Municipal Corporation. The minutes of order are taken on record and is marked at

“X” for identification. The statements of the parties as made in the minutes of order are accepted. The appeal from order is disposed of in terms of the minutes of order.

3. The learned Counsel for the Respondents have instructions from his client to make statement that the Appellant shall co-operate with the Officers of the Municipal Corporation and that all the terms and conditions as contained in the minutes of order would be strictly adhered to by the Appellant.

4. The learned Counsel for the Appellant, on instructions from the Appellant who is present in Court, further makes a statement that the Appellant would vacate the suit structure during the course of the day, and that once the suit structure is vacated, the Municipal Corporation shall have liberty to take such further action as permissible in law. Statement accepted.

5. The Appeal from order is accordingly disposed of in view of the above terms and in terms of the minutes of order.

6. As the Appeal from order itself is disposed of, the Civil Application would also not survive and it is accordingly disposed of.

(G. S. KULKARNI,J.)