

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.141 OF 2015 IN
WRIT PETITION NO.231 OF 2008

Shishira Co-op Housing
Society Ltd.

...Applicant

vs.

Municipal Corporation of
Greater Mumbai & Ors.

...Respondents

Mr.Ahmed Abdi a/w Mr.Satyaprakash Sharma i/b Abdi &
Co. for the applicant

Mr.A.Y.Sakhare, Senior Counsel a/w Ms Geeta Joglekar
for the respondent Nos.1 and 2.

Mr.Yunus Menon for respondent No.3

CORAM : A.S.OKA, &
C.V.BHADANG,JJ.

DATE : JANUARY 28, 2016

P.C.:

1 Heard the learned counsel for the applicants, the learned counsel for the respondent No.3 and the learned senior counsel for the Mumbai Municipal Corporation. The learned senior counsel for the Mumbai Municipal Corporation states that the total amount payable towards Survey Fee is Rs.2,61,000/-. In terms of the order dated 23rd February 2010, the applicant and the respondent No.3 have agreed to share the same equally.

2 The applicant No.1 is the petitioner No.1. The learned counsel for the petitioners states that the petitioner No.1, 2 and the respondent No.3 will pay the amount of Rs.2,61,000/- in the proportion of 1/3 each. The learned counsel for the respondent No.3 has no objection for adopting the said course.

3 The learned counsel for the respondent No.3 has some issue regarding the survey plan. The said issue cannot be gone into in this Notice of Motion taken out by the petitioner No.1.

4 As the Mumbai Municipal Corporation has shown willingness to abide by the order dated 23rd February 2010, subject to payment of the aforesaid amount, at this stage, it is not necessary to issue any notice of contempt. Accordingly, we dispose of the Notice of Motion by passing the following order:

- (I) The petitioner No.1, the petitioner No.2 and the respondent No.3 in the writ petition shall pay a sum of Rs.2,61,000/- to the Mumbai Municipal Corporation within a period of two weeks from today;
- (II) After the receipt of the said amount, within a period of one week from the receipt of the amount, the Mumbai Municipal Corporation shall make necessary application to the Survey Officer for carrying out survey and shall pay necessary survey fees;
- (III) Notice of Motion is accordingly disposed of;
- (IV) We clarify that the petitioner Nos.1 and 2 as well as respondent No.3 will be entitled to issue separate cheques representing their shares.

(C.V.BHADANG,J.)

(A.S.OKA,J.)