

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 434 OF 2015

Pune Municipal Corporation and another ...Appellants
vs.
Paras Nenmal Jain and others ...Respondents

along with
SECOND APPEAL NO. 403 OF 2015

Satish Kisandas Khivansara ...Appellants
vs.
Paras Nenmal Jain and others ...Respondents

Mr. Abhijit Kulkarni for the Appellant in SA No. 434/2015 and Respondent Nos. 2 and 3 in SA No. 403 of 2015.

Mr. T.D.Deshmukh for the Appellant in SA No. 403 of 2015 and for Respondent No. 2 in SA No. 434 of 2015.

Mr. Mayur Joglekar for Respondent No.1 in both the Appeals.

CORAM: S.J. KATHAWALLA, J.

DATE: 1st JULY, 2017

P.C.

Heard the learned Advocates appearing for the parties and the following order is passed by consent:

- (i) The order impugned in the Second Appeals is set aside.
- (ii) The Corporation shall demolish the suit structure only after following the due process of law.
- (iii) In the event of the order passed by the Corporation being adverse to

Respondent No.1, the Corporation shall not act on the same for a period of four weeks from the date of receipt of the order by Respondent No. 1 to enable him to impugn the same.

(iv) All contentions of the parties are kept open.

The above Second Appeals are accordingly disposed off.

(S.J. KATHAWALLA, J.)