

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.582 OF 2014
WITH
CIVIL APPLICATION NO.705 OF 2014

Ramcharitra Rambhajan Singh & Ors	...Appellants
<i>Versus</i>	
Municipal Corporation of Gr Mumbai & Ors	...Respondents

Mr Jayesh S Kalanke, for the Appellants.
Msr Madhuri More, for Respondent No.1/MCGM.

CORAM: G.S. PATEL, J
DATED: 13th June 2017

PC:-

1. The Appeal is directed against an order of 9th May 2014 rejecting ad-interim relief. It is pointless to keep this Appeal pending. The Motion itself is pending and should be disposed of by the Trial Court at its earliest convenience.

2. The Appellants are the original Plaintiffs. They were refused ad-interim reliefs on their application for injunction restraining the Municipal Corporation of Greater Mumbai (“MCGM”) from demolishing their building. The Appellants say that the building is not in need of repairs, not structurally unsafe or unsound. The

Respondent/MCGM says that the expert reports relied on by the Appellants are without merit and that the building is found to be in a dilapidated and ruinous condition.

3. The Appellants have submitted the necessary undertakings and indemnities as directed by the order dated 6th January 2015. It is further clarified and this is also accepted by the Appellants that should there be injury, loss or damage caused to the life, person or property of any third party or passer-by, the Appellants alone will be liable in damages and for compensation in regard to any such incident. The Appellants' statement in this behalf is accepted as an undertaking to the Court.

4. The Appeal is disposed of with a request to the Trial Court to dispose of the Motion at its earliest convenience. There will be no order as to costs.

(G. S. PATEL, J.)