

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER (ST) NO. 23659 OF 2017  
WITH  
CIVIL APPLICATION NO. 746 OF 2017**

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| Udar Goregaon Cooperative<br>Housing Society<br>V/s.<br>The Mumbai Corporation of<br>Greater Mumbai | ..Appellant<br><br><br><br>..Respondent |
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Mr. G.V. Murti a/w. Mohum Rao i/b Mr. P.L. Dubey for the Appellant.  
Mrs. Madhuri More for the Respondent/Corporation.

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**CORAM : MRS.MRIDULA BHATKAR, J.  
DATE : 18<sup>th</sup> AUGUST 2017.**

**P.C.**

1] Not on board. In view of urgency, taken on production board.

2] Learned counsel for the appellant - society submits that the appellant – society are not opposing the redevelopment and they want to vacate the premises as the Corporation has given them notice to vacate the premises till 22<sup>nd</sup> August 2017. Learned counsel for the appellant-society submits that it is not possible for the families of the appellant-society to vacate the premises due to Ganpati festival. Learned counsel submits that there are 11 families, who will vacate their respective premises on or before 30<sup>th</sup> September 2017 and also they will withdraw the suit pending before the Trial Court. Learned counsel further submits that the appellant-society are also ready to give written undertaking before the Trial Court that the members/families of the appellant-society are

occupying the suit building/tenement at their own risk. The statement made by learned counsel for the appellant – society at the bar, on the basis of instruction, is accepted.

3] Learned counsel for the Corporation-respondent submits that the building is in dilapidated condition and there is every possibility of any fatal accident.

4] In view of the submissions of learned counsel for both sides, it is better that the members/families of the appellant-society to vacate the building/tenement at the earliest, as the building is in dilapidated condition. If they do not vacate the building on 22<sup>nd</sup> August 2017, they shall give written undertaking before the Trial Court that they continuing to stay further at their own risk. Any how, they shall vacate the building/premise/tenement till 30<sup>th</sup> September 2017. The undertaking to be given by 21<sup>st</sup> August 2017.

5] The respondent-Corporation is directed not to disconnect the water and electricity of the suit building/tenement till 26<sup>th</sup> September 2017.

6] The Appeal from Order is disposed of in the aforesaid terms.

7] In view of disposal of main Appeal from Order, Civil Application No. 746 of 2017 does not survive and the same is also disposed of.

**(MRIDULA BHATKAR, J.)**