

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.585 OF 2014
IN
SECOND APPEAL NO.229 OF 2014**

Virchandra Bhavarlal Jain ... Applicant
Versus
Virar Municipal Council
Through Chief Officer, Virar Municipal Council. ... Respondent
.....
Mr. K. P. Shah for the Applicant.
Mr. Rajas Naik i/b U. R. Mankapure for Respondent Nos.1A and 1B.
.....

CORAM : S.C.GUPTE, J.

DATE : 17 FEBRUARY 2017

P.C. :

1. Since companion Second Appeals involving the same issue, namely, Second Appeal No.439/2014 and others, have been admitted by this Court by an order dated 24 June 2014, even this Appeal is admitted on the same substantial question of law as mentioned in paragraph 2 of the order dated 24 June 2014.
2. There is already an interim stay of the operation of the notice dated 12 January 2000 received from the Respondent/Corporation, which is the subject matter of the present Second Appeal, on Civil Application

No.439/2014 and others in the companion Second Appeals, and accordingly the recovery of arrears of rent from the respective Appellants, pursuant to the impugned notice is stayed, on the statement of the Appellants that they are prepared to pay five times the monthly rent originally fixed and that such rent shall be paid with effect from June 2014. There will be a similar interim stay in terms of the prayer Clause (A) of the present Civil Application as well subject to a similar statement on the part of the Applicant/Appellant that he shall pay monthly rent at the rate of five times the rent originally fixed and that such payment shall be with effect from June 2014. The Civil Application is disposed of accordingly.

3. The Applicant/Appellant shall be entitled to amend the cause title of the Second Appeal by substituting the name of Virar Municipal Council with "Vasai Virar Municipal Corporation". Amendment to be carried out within two weeks from today..

(S.C.GUPTE, J.)