

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3 OF 2017
IN
APPEAL FROM ORDER NO. 3 OF 2017

M/s. Jaishri Engineering Co. Pvt. Ltd. ..Applicant /Appellant
vs.
The Municipal Corporation of
Greater Mumbai & Anr. ..Respondents

Mr. P. K. Samdani – Senior Advocate with Mr. Mayank Bagla and P. A. Sarwankar i/b. Sarwankar & Co. for Applicant / Appellant.
Mr. J. F. Reis with Ms M. More and Mr. S. Sonawane for Respondents – MCGM.
Mr. Gandhi, A. E. and Mr. Memane, S.E. From Traffic & Control Department and Mr. Thakre, S.E. from Maintenance Department, 'S' Ward of MCGM present.

CORAM : M. S. SONAK, J.
DATE : 09 MARCH 2017

P.C :

- 1] Heard learned senior counsel for the parties.
- 2] In pursuance of order dated 1 March 2017, Mr. Jayesh Gandhi, has filed an affidavit in reply dated 7 March 2017. The explanation submitted in the affidavit is accepted. At this stage, there is no necessity to go into the issue as to whether the Architect met Mr. Pagar or with some other officer of the MCGM. The explanation is sufficient to clear the apprehension expressed in the order dated 1 March 2017.
- 3] The learned Senior Advocates, hand in draft Minutes of the Order, which are taken on record and marked as 'X' for the purposes of identification. It is made clear that the caption

‘WITHOUT PREJUDICE’ appearing on each page has been specifically struck out. The learned Senior Advocates agree that these are Minutes of Order and therefore the word ‘DRAFT OF’ is a mere surplusage.

4] At the request of and with the consent of the learned Senior Advocates for the parties, S.C. Suit (Stamp) No. 12539 of 2016, which is now numbered as Suit No. 2897 of 2016, is taken up on board by this court itself and is disposed of in accordance with the Minutes of the Order now handed in. Learned trial Judge is directed to issue a formal decree in terms of the Minutes of the Order as expeditiously as possible and in any case within a period of eight weeks from the date of production of authenticated copy of this order.

5] The undertakings of the parties referred to in the Minutes of the Order are accepted as undertakings to this court.

6] The parties shall be at liberty to apply to this court in case of any difficulties in implementation of the decree. This court appreciates the reasonable approach taken by both the parties to these proceedings.

7] The appeal no longer survives and is disposed of in the aforesaid terms. In view of disposal of appeal, civil application does not survive and is disposed of accordingly.

8] All concerned to act on basis of authenticated copy of this order.