

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

**CIVIL APPLICATION NO. 278 OF 2016
IN
APPEAL FROM ORDER (ST.) NO. 34284 OF 2015**

Mr. Sheikh Ahmed Abdulla & Ors. ... Applicants/Appellants
V/s.
Smt. Rabiya Abdul Salam & Ors. ... Respondents

Ms. Swati Sawant for the Applicants/Appellants.
Mr. M.S. Kadu for Respondent Nos.1 and 2.
Mr. Sharad Wakchoure i/b Mr. Kishore Thakordas and Co. for
Respondent No.5.
Mrs. M.M. More for Municipal Corporation of Greater Mumbai
(MCGM).

**CORAM : M.S. SONAK, J.
DATE : 17th MARCH, 2017.**

P.C. :

1 Heard learned counsel for the parties.

2 Upon an oral motion made by Ms. Swati Sawant,
learned counsel for the Appellants, leave is granted to bring on
record the legal representatives of the deceased appellant Nos.4 and
5. Ms. Sawant submits that such leave has already been granted by
learned trial Judge in the pending Suit.

3 Necessary amendment to be carried out forthwith.

4 Ms. Sawant says that she will appear for the legal representatives and, therefore, there is no question of any further notice. Ms. Sawant is accordingly granted leave to file appearance on their behalf. Such leave is granted not only in the Appeal, but also in the Civil Application seeking condonation of delay. For the reason set out in the Civil Application, delay of 24 days for instituting the Appeal is condoned. Civil Application No. 278 of 2016 is disposed of.

5 The M.C.G.M. is directed to report compliance in the context of order dated 28.04.2016 by the next date which shall be 29.03.2017. Place the matter on supplementary board.

6 The M.C.G.M. should endeavour to dispose of the pending enquiry and make final orders, as otherwise, the respondent No.5, would be required to bear the burden of payment of compensation in lieu of alternate accommodation to the respondent Nos.1 and 2. Learned counsel for respondent No.5 states that the alternate accommodation is ready and the respondent No.5 is really unconcerned with the internal dispute between the appellants and respondent Nos.1 and 2.

7 Accordingly, stand over to 29.03.2017 on
supplementary board.

8 Ms. More takes notice for M.C.G.M., since, on the
earlier occasion, when the order dated 28.04.2016 was made,
Mr. A.V. Diwate had appeared on behalf of M.C.G.M.

(M.S. SONAK, J.)