

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.37/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. A. Sawant for the Petitioner
Ms. Shital Mane for the Respondent Nos.1 to 3.
Ms. Kausar Banatwala i/b. Mr. Tushar Goradia for respondent No.4.

CORAM : K. K. TATED, J.
DATE : MARCH 20, 2017

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the petitioner, the matter is taken on board for urgent orders.

2. Heard. Both the counsel submit that the matter is settled out of court. To that effect, the learned counsel for the petitioner filed affidavit dated 17.03.2017 duly affirmed by Mr. Suresh S. Prabhu. Paragraph 3 of the said affidavit reads thus:

“3. I say that the petitioners be allowed to withdraw the present Writ Petition in view of repair permission granted by the Municipal Corporation for Greater Mumbai on 2nd March 2007 thereby praying that this Hon'ble Court be pleased to grant liberty to the petitioners to

approach this Hon'ble Court for extension of 15 days time after the stipulated period of 30 days pursuant to clause 11 of repair permission dated 2nd March 2017 which gets expired on 20th April 2017. This Hon'ble Court be pleased to grant liberty to the petitioners to apply this Hon'ble Court for extension of 15 days time if the structure of the petitioners is not ready till 20th April 2017."

3. The learned counsel for the petitioner submits that by 30.03.2017, they will hand over vacant and peaceful possession of the affected front portion area as per notice dated 29.12.2016 to the respondent corporation.

4. The learned counsel for the petitioner further submits that liberty may be granted to them to move in case they require extension of time to complete the repair work as per repair permission dated 02.03.2017.

5. Considering the submissions made by the learned counsel for the petitioner and the additional affidavit dated 17.03.2017, following order is passed:

a. Time is granted to the petitioner till 30.03.2017 to handover vacant and peaceful possession of the affected front portion area as per notice dated 29.12.2016 and as per present notice dated 02.03.2017, to the respondent corporation.

b. Liberty granted to the petitioner to move this court for extension of time as per paragraph 3 of the affidavit dated 17.03.2017 reproduced hereinabove.

c. Writ Petition stands disposed of accordingly.

JUDGE