

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

WRIT PETITION NO.578/2013

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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Ms. Shobana Gopal for the Petitioner
Mr. A. Y. Sakhare, Senior Advocate with Ms. Shital Mane for the Respondent BMC.

CORAM : K. K. TATED, J.

DATE : JANUARY 10, 2017

P.C.:

1. Heard. By this petition under Article 226 of the Constitution of India, the petitioner challenges judgment dated 19.12.2012 passed by the Industrial Court, Mumbai in complaint (ULP) No.244/2008 by which the allotment of quarter No.12 in building No.C in the campus of G.T.B. Hospital made as per the order No.GTB/1536/ES dated 21.05.2008 in favour of the petitioner was set aside. Thereafter when the respondent corporation called upon the petitioner to hand over vacant and peaceful possession of the said quarter, the petitioner filed the present Writ Petition.

2. The learned counsel for the petitioner submits that the petitioner is ready and willing to

hand over vacant and peaceful possession of the service quarter to the respondent corporation by the end of April 2017. To that effect she has filed an affidavit cum undertaking dated 10.01.2017 of the petitioner. The learned counsel for the petitioner further submits that the petitioner is present in court. Her undertaking is accepted. She submits that she received instructions from the petitioner to withdraw the Writ Petition and time be granted till 30.04.2017 to hand over vacant and peaceful possession of the service quarter to the Municipal Corporation.

3. On the other hand, the learned senior counsel for the Municipal Corporation opposed to grant any time to vacate the suit premises.

4. Considering the submissions made by the learned counsel for the petitioner and the grounds given by the petitioner in her affidavit for giving time till 13.04.2017 to vacate the service quarters, I am of the opinion that the petitioner may be permitted to occupy the service quarters till 13.04.2017.

5. Hence, following order is passed:

a. Undertaking dated 10.01.2017 given by the petitioner stating that she will hand over vacant

and peaceful possession of the service quarter to the respondent corporation by 30.04.2017 is accepted.

b. The petitioner is granted time to hand over vacant and peaceful possession of the service quarter to the respondent corporation till 30.04.2017 on usual terms and conditions that she has to pay rent as per the corporation policy to them.

c. The petitioner is restrained by an order of injunction from creating and/or inducting any other person in the said quarter during this period.

d. Writ Petition stands dismissed as withdrawn.

e. No order as to costs.

JUDGE