

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1706 OF 2010
IN
SUIT NO.3148 OF 2009**

Jaysukhlal N.Bhuta & Anr.

....Plaintiffs

V/s.

Vasantaben R.Bhuta & Ors.

....Defendants

**WITH
NOTICE OF MOTION NO.3009 OF 2010
IN
SUIT NO.389 OF 2010**

**WITH
NOTICE OF MOTION NO.365 OF 2014
NOTICE OF MOTION NO.366 OF 2014
NOTICE OF MOTION NO.1356 OF 2014
NOTICE OF MOTION NO.1737 OF 2015
IN
SUIT NO.3148 OF 2009**

Mr.Rajesh Shah a/w Mr.Swapnil Bangur and Ms.Devika Bhosale i/by Divya Shah Associates for plaintiffs in Suit No.3148/2009 and for defendant in Suit No.389/2010.

Mr.M.L.Palan a/w Ms.Devyani Wanjara i/by M/s.B.R.Oza & Co. for defendants in Suit No.3148 of 2009 and for plaintiffs in Suit No.389 of 2010.

Mr.Mukul Tally a/w Ms.Sanchitta Sridhar i/by S.Mahomedbhai & Co. for the applicant in Notice of Motion No.1737 of 2015.

Mr.Arif N.Shaikh i/by H.S.Anand for the applicant in Notice of Motion No.1356 of 2014.

Mr.Jagdish G.Reddy for the respondent in Notice of Motion No.365 of 2014 (SRA).

**CORAM : K.R.SHRIRAM,J
DATE : 2.2.2017**

P.C.:-

**NOTICE OF MOTION NO.365 OF 2014
AND
NOTICE OF MOTION NO.366 OF 2014**

1 Mr.Shah appearing for the applicants states that the SRA has issued notice and the modification of the order dated 7.12.2009 read with order dated 18.1.2010 is required for them to make representation to the SRA authority. In my view, the orders of this court do not come in the way of the parties making any representation to the notice issued by the respondents since the order dated 25.7.2013 reads as under :-

“.....The plaintiff also seeks injunction against the Chief Officer from taking any steps pursuant to an application filed by Shiv Narayan Co-operative Housing Society (proposed) for declaring the same as slum under Section 3(c) in Maharashtra Slum Areas (Improvements, Clearance and Redevelopment) Act, 1971. The respondent is directed to file affidavit in reply within one week from today.....”

2 Mr.Reddy appearing for the SRA states that since the plaintiffs and the husband of the defendant no.1 and defendant no.1 have been shown as owners of the property in the public notice issued, certainly each of the owners will be entitled to make independent representation including submission of any proposal or scheme to the appropriate authority and the appropriate authority will pass orders based on each of the representation/submission received. It has been therefore, clarified that even the defendants can also make representation/submission to SRA.

3 Therefore, no further orders are required in these Notices of Motion and the Notices of Motion can be considered as disposed.

4 It is made clear that this arrangement is without prejudice to the rights and contentions of the parties in both the suits. It is also clarified that the plaintiffs and defendants will provide a copy of their respective representation/submission to each other.

5 Mr.Tally appearing for one of the society states that he is not a party to this Notice of Motion but certainly they have no objection if the plaintiffs and the defendants are heard by the appropriate authority since they are shown as owners. Mr.Shaikh for applicant in Notice of Motion No.1356 of 2014 also states that he adopts the statement made by Mr.Tally.

6 The Notices of Motion No.365 of 2014 and 366 of 2014 accordingly stand disposed.

7 Mr.Shah and Mr.Palan state that they will make the representation/submission as mentioned above to the appropriate authority within 8 weeks from today. The appropriate authority is at liberty to go ahead with the hearing on the notice issued after the period of 8 weeks is over and should endeavour to dispose of the

matter as soon as possible. Notice of Motion accordingly stands disposed.

**NOTICE OF MOTION NO.1737 OF 2015
AND
NOTICE OF MOTION NO.1356 OF 2014**

8 In view of the above orders, Notice of Motion No.1737/2015 and Notice of Motion No.1356/2014 also stand disposed.

**NOTICE OF MOTION NO.1706 OF 2010
And
NOTICE OF MOTION NO.3009 OF 2010**

9 Mr.Shah and Mr.Palan state that pleadings in the suit No.3148/2009 and Suit No.389/2010 are completed and the issues can be framed.

10 Mr.Shah & Mr.Palan also state that the parties to the suit are senior citizens and they would without fail, file their affidavit of documents, complete discovery and inspection and also exchange statement of admission and denial with reasons for denial before 7.3.2017. They also state that on 7.3.2017 they will come with agreed draft issues and the separate list of issues on which they are unable to agree.

In view of the above, these Notices of Motion also stand disposed.

Both these suits be listed on 7.3.2017 for issues.

(K.R.SHRIRAM,J)