

(NMW 483 of 2016)

vat

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

NOTICE OF MOTION No. 483 OF 2016
IN
WRIT PETITION No. 917 OF 2011

Jehangir Gai

....Applicant/
Original Petitioner No.1

In the matter between

Jehangir Gai and Anr.

....Petitioners

Vs.

Maharashtra Housing and Area
Development Authority (MHADA)
and Ors.

....Respondents

Mr. Raju Moray i/b. Sagar Rane for the Applicant/ Petitioners

Mr. Yazdi Jijina i/b. Mulla & Mulla & CBC for Respondent Nos.2 to
5

Mr. Devendra Tiwari i/b. P.G. Lad for Respondent Nos1 and 7
MHADA

**CORAM : V.M. KANADE &
SMT. ANUJA PRABHUDESSAI, JJ**

DATE : MARCH 30, 2017

P.C. :

1. This petition was disposed of by our order dated 18th November, 2014. By the said order, it was agreed that the total cost of repairs would be shared by Respondent No. 2 -Trust,

tenants and MHADA equally.

2. It is submitted that thereafter, on account of subsequent events, a decision was taken that costs of repairs, if shared by MHADA, would lead to an increase in the cess which will be recovered by MHADA and therefore, it was mutually agreed between the tenants and trustees -respondent Nos. 2 to 5 to share the costs equally without involving MHADA. Accordingly, now they have appointed an Architect Mr. Minoo Mody, who has agreed to carry out the work of repairs and restoration of the said buildings. It is submitted that it may be clarified that the order dated 18.11.2014 shall not come in the way of the arrangements/ agreement made between the tenants including the Applicant and the landlored viz. Respondent No.2 -trust in carrying out the repairs of the building viz. Wadia Building situated at 598-A, Girgaon Road, Mumbai – 400 004. We, therefore, clarify that the said order dated 18th November, 2014 shall not come in the way of arrangement/ agreement made between the tenants and the trustees of Respondent No.2 Trust. The order is accordingly modified/clarified. Notice of motion is allowed and disposed of in terms of prayer clause (a).

[SMT. ANUJA PRABHUDESSAI, J.] [V.M. KANADE, J.]