

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

**NOTICE OF MOTION NO.1987 OF 2015
NOTICE OF MOTION NO.148 OF 2005
IN
SUIT NO.1946 OF 1996**

Union of India)....Plaintiff

V/s.

The Municipal Corporation of Gr.Mumbai)....Defendant

Mr.Suresh Raghunath Rajguru for the plaintiff.

Mr.R.Y.Sirsikar for defendant-MCGM.

CORAM : K.R.SHRIRAM,J

DATE : 6.7.2017

P.C.:-

NOTICE OF MOTION NO.1987 OF 2015

1 Mr.Rajguru appearing for the plaintiff states that this Notice of Motion has been served upon the defendant more than a year ago. The defendant has not filed any affidavit in reply. I have considered the affidavit in support also. Since the defendant has not filed any affidavit opposing the grant of the relief prayed for and in view of what is stated in the affidavit in support, Notice of Motion is allowed in terms of prayer clauses-(a) & (b) and accordingly stands disposed.

2 M/s.Parelkar and Dallus having their office at Medows House, 4th Floor, 39, Nagindas Master Road, Fort, Mumbai-400 023 ,

[Phone Nos.22654107 & 24445163] are appointed as Valuer/Architect at the request of the counsel for the applicant.

NOTICE OF MOTION NO.148 OF 2005

1. Mr.Rajguru states that this Notice of Motion has also been served upon the defendants and no reply has been filed.

2 In this Notice of Motion the plaintiff is seeking appointment of Commissioner/Architect to visit building P2, P2A and P4 at Petroleum Contact Unit at Wadala, Mumbai and to prepare a report about the condition and also about the repairs/reconstruction to be carried out to the dilapidated or damaged part of the buildings and to submit estimated costs/repairs for the same. The plaintiff is also seeking leave to repair/reconstruct the said 3 buildings after demolishing the dilapidated or damaged part of the same, if necessary and to reconstruct the same for being allotted to the Defence Personnel in Mumbai.

3 So far as building no.P4 is concerned, the same is covered under the order passed in the above Notice of Motion No.1987 of 2015. So far as building P2 & P2A are concerned, if the condition of the buildings are so bad that it requires to be demolished totally and reconstructed, the Valuer/Architect appointed above to

inspect these two buildings as well building and give opinion on the condition of these two buildings. If Architect feels that these two buildings can be repaired then the plaintiff may carry out the repairs. But if the Architect feels that these two buildings are in such a condition that it has to be demolished and reconstructed then the plaintiff may follow the advise of the Architect.

4. If the building is reconstructed or repaired, the plaintiff will be at liberty to allot the same to defence personnel.

5 Any charges to the Architect necessarily have to be paid by the plaintiff.

6 Both the Notices of Motion stand disposed accordingly.

(K.R.SHRIRAM,J)