

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.322 OF 2017
IN
CIVIL REVISION APPLICATION NO.352 OF 2013

M/s. Vimal Associates] Applicant

IN THE MATTER BETWEEN:

Mohammed Zaheer Shaikh Nazir] Applicant

Vs.

Badalkumar alias Khoka]

s/o Anilkumar Dey & Anr.] Respondents

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Mr. Chirag Balsara a/w Mr. Aditya Devlekar i/b Diamondwala & Co., for Applicant in CAC No.322 of 2017.

Mr. Induprakash Tripathi i/b C.K. Tripathi for applicant in C.R.A. No.352 of 2013.

Mr. Ashok Mishra, for respondent.

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CORAM : R.G. KETKAR, J.

DATE : 28TH MARCH, 2018.

P.C.

Heard Mr. Balsara, learned Counsel for the applicant, Mr. Tripathi, learned Counsel for the applicant in C.R.A. No.352 of 2013 and Mr. Mishra, learned Counsel for the respondent in C.R.A. No.352 of 2013.

2. Mr. Balsara submitted that in certified Annexure-II, name of the applicant Mohammed Zaheer Shaikh Nazir appears at Sr. No.390. However, as

he did not submit the proof, he was not found eligible. Mr. Tripathi states that applicant Mohammed Zaheer Shaikh Nazir has filed appeal on 26th March, 2018 before Deputy Collector (Encroachment & Removal) along with documents for establishing his eligibility. Mr. Balsara further states that name of the respondent Badalkumar (since deceased) is not found in the certified Annexure 2. Mr. Mishra states that within two weeks from today, legal representatives of deceased Badalkumar will take appropriate steps for establishing their eligibility.

3. Statements made by learned Counsel for the parties are recorded. Mr. Balsara submits that without prejudice to the rights and contentions of the applicant for a further period of six months from today, he will pay compensation @ Rs. 12,000/- per month to the applicant as also to the legal representatives of Badalkumar (Rs.6,000/- each to Mr. Nimiya Anilkumar Dey and Ms. Somali Anilkumar Dey, brother and sister respectively of deceased Badalkumar) subject to the Authority declaring either applicant or respondent eligible. Learned Counsel for the applicant and respondent in C.R.A have no objection for adopting this course.

4. In view thereof, C.A is allowed in terms of prayer clauses (b), (c) and (f) with no order as to costs.

[R.G. KETKAR, J.]