

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST.) NO. 23375 OF 2018
ALONG WITH
CIVIL APPLICATION (ST.) NO. 23376 OF 2018**

Varsha Pravin Thakkar & Ors.

.. Appellants

Vs.

Assistant Engineer (Building &
Factory-III) & Ors.

.. Respondents

Mr.Surel Sunil Shah, Advocate for appellants.

Smt. Madhuri More, Advocate for respondent No.1-MCGM.

Mr.Pravin Samdani, Senior Advocate a/w. Mr.Devansh Bheda, Advocate
i/b Purnanand & Co. for respondent No.4.

CORAM : A.S. CHANDURKAR, J.

DATE : 22ND DECEMBER 2018

P.C.

1 The matter was heard on 18th December 2018 and in the midst of hearing it was put to parties whether a way-out could be found so as to safeguard interests of both parties. Accordingly, the learned counsel for the appellants and the learned Senior Counsel for respondent No.4 with their good offices agreed that the dispute could be worked out.

2 Accordingly, the Partner of respondent No.4 has placed his affidavit dated 20th December 2018 on record copy of which has been furnished to the counsel for the appellants. The said affidavit dated 20th December 2018 is taken on record as an undertaking to this Court as is marked 'A' for identification. In addition to what has been stated therein and with consent

of the parties, it is further directed that the appellants would vacate the premises in their occupation within a period of eight weeks from today and latest by 1st March 2019. The occupation of the appellants till the time they vacate the same would be at their own risk and consequences. The respondent No.4 would within a period of four weeks from the date when the last tenant vacates and hands over possession, would submit Plans for re-development of the property without waiting for the demolition of the ground floor Chawl. The rent of Rs.15,000/- per month as agreed, would be paid to the person handing over the vacant and peaceful possession of the respective tenement to the respondent No.4. In view of this, respondent No.4 makes a statement that the suit filed by the respondent No.4 in the Small Causes Court against the present appellants would be withdrawn. The statement accepted.

3 The present Appeal from Order as well as Civil Application are disposed of in aforesaid terms.

4 All concerned to act on an authenticated copy of this order.

(A.S. CHANDURKAR, J.)