

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

NOTICE OF MOTION (LDG.) NO. 453 OF 2018
IN
WRIT PETITION NO. 963 OF 2018

Sunil Madanlal Thenge and others. ... Applicants.
In the matter of
Sunil Madanlal Thenge and others. ... Petitioners.
V/s.
Municipal Corporation of Greater Mumbai
and others. ... Respondents.

Mr.Atul Damle, Senior Advocate with Mr.Ashutosh Gavnekar,
Mr.Ramchandran Narayanan and Tejas P Shah i/b. Narayanan
and Narayanan for the applicants.
Ms.Deepa Punde i/b. Mr.Sachin S. Punde for respondent Nos.21, 23, 24
and 25 to 29.
Ms.Pallavi Thakar for the respondent- MMC.

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CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 24th July 2018.

P.C.:

Not on board. Taken up on board.

2. Heard the learned senior counsel appearing for the applicants. The applicants seek extension of time to vacate till 31st August 2018. On instruction, he states states that all the persons who had filed undertakings pursuant to the order dated 28th March 2018 will file fresh undertakings to vacate their respective premises on or before 1st

September 2018. He states that they will also undertake not to apply for further extension. The learned counsel appearing for the Municipal Corporation opposes the prayer.

3. Considering the fact that a very limited extension is sought with further undertakings, the limited protection deserves to be granted. Accordingly, we pass the following order:

- (i) Time granted in terms of clause (iii) of paragraph-7 of the order dated 28th March 2018 is extended till 31st August 2018 subject to the condition of all the applicants and other persons who had filed undertakings pursuant to the aforesaid order dated 28th March 2018 filing fresh undertakings to vacate on or before 31st August 2018 with further undertakings not to apply for further extension;
- (ii) If such undertakings are not filed within two weeks from today, it will be open for the first respondent- Municipal Corporation to take forcible possession of the premises as per directions contained in clause (ii) of paragraph-7;
- (iii) If such undertakings are filed and if premises are not vacated on or after 31st August 2018, it will be open for the first respondent- Municipal Corporation to take forcible possession of the premises with the help of Police;
- (iv) Notice of motion is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)