

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

**NOTICE OF MOTION NO.502 OF 2018
IN
WRIT PETITION NO.954 OF 2016**

Razia Salim Merchant	...Applicant
In the matter of	
Razia Salim Merchant	...Petitioner
Versus	
Municipal Corporation of Gr.	
Mumbai and Anr.	...Respondents
.....	
Ms Manisha B. Gawde for the Applicant.	
Ms Vandana Mahadik for the BMC.	

**CORAM :RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 7th DECEMBER, 2018.

P.C.:-

Heard the learned counsel for the Applicant and the Respondents. This motion is filed for following reliefs in the disposed of Writ Petition No.954 of 2016:-

- “[a] The Respondent No.2 be directed and ordered to pay compensation in lieu of temporary transit accommodation for the period ending with September 2019 at the enhance rate of 10% of Rs.35,000/- per month forthwith and continue to pay the such amount on yearly basis till the peaceful and vacant possession of rehab premises is handed over in its true and complete sense;
- [b] Ad-interim relief in terms of payer [a] above;
- [c] For such further and other relief as this Hon'ble

Court may deem fit and proper.”

2. The learned counsel for the Applicant submits that she is not pressing the relief regarding 10% increase in the amount of compensation of Rs.35,000/-. The learned counsel for the Applicant prays that the Respondent No.2 be directed to pay additional compensation for the period of 12 months.

3. The petition was disposed of on the basis of the consent terms. The learned counsel for the Petitioner does not dispute that the Respondent has paid compensation of Rs.35,000/- to the Applicant till September, 2018 as per the consent terms. The relief now claimed by the Petitioner is also not covered by the prayer nor covered by the consent terms.

4. Be that as it may, the learned counsel for the Respondent No.2 submitted that the compensation of Rs.35,000/- per month is paid to the Applicant till September-2018. The compensation for subsequent months was offered but was refused by the Applicant. The learned counsel for the Respondent No.2 submits that the construction of rehabilitation building is likely to be completed within a period of six months and hence they cannot be compelled to give advance

compensation for a period of 12 months. He also submits that the Respondent No.2 is legally bound to pay to the Applicant as well as other similarly placed persons compensation at the rate of Rs.35,000/- per month till the completion of the rehabilitation building. He further states that the Respondent No.2 has abided by the consent terms and shall continue to abide by the consent terms. Statement is accepted.

5. In the light of the above, we are not inclined to entertain the motion. Same is accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)