

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

**CIVIL APPLICATION NO. 79 OF 2019
IN
APPEAL FROM ORDER NO. 90 OF 2015**

Skyline Realty Pvt. Ltd.	...	Applicant
<u>In the matter between :-</u>		
Suryakant Chintu Shirsekar	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 74 OF 2019
IN
APPEAL FROM ORDER NO. 91 OF 2015**

Skyline Realty Pvt. Ltd.	...	Applicant
<u>In the matter between :-</u>		
Sachin Shantaram Joshi	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 75 OF 2019
IN
APPEAL FROM ORDER NO. 95 OF 2015**

Skyline Realty Pvt. Ltd.	...	Applicant
<u>In the matter between :-</u>		
Ravindra Shripat Shiwalkar	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 76 OF 2019
IN
APPEAL FROM ORDER NO. 89 OF 2015**

Skyline Realty Pvt. Ltd.	...	Applicant
<u>In the matter between :-</u>		
Pratima Prakash Shiwalkar	...	Appellant

V/s.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 77 OF 2019
IN
APPEAL FROM ORDER NO. 93 OF 2015**

Skyline Realty Pvt. Ltd. ... Applicant

In the matter between :-

Prakash Mahadeo Pawar ... Appellant

V/s.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 78 OF 2019
IN
APPEAL FROM ORDER NO. 92 OF 2015**

Skyline Realty Pvt. Ltd. ... Applicant

In the matter between :-

Ramesh Sitaram Patil ... Appellant

V/s.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 80 OF 2019
IN
APPEAL FROM ORDER NO. 325 OF 2015**

Skyline Realty Pvt. Ltd. ... Applicant

In the matter between :-

Chandrabhas Gangaram Patil
(Since deceased) Through LRs. & Ors. ... Appellants

V/s.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 81 OF 2019
IN
APPEAL FROM ORDER NO. 321 OF 2015**

Skyline Realty Pvt. Ltd.	...	Applicant
<u>In the matter between :-</u>		
Dilip Vithal Narvekar	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai & Ors.	...	Respondents

- Mr.Cherag Balsara a/w. Mr.M.A. Vaid i/b. Vaid Associates for the Applicants.
- Mr.J.M. D'silva for the Appellant in all AO's except AO/321/2015 and AO/325/2015.
- Mr.A.Y. Sakhare, Senior Advocate a/w. Mrs.Madhuri More for the MCGM.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st FEBRUARY, 2019.

P.C. :

- 1] Heard.
- 2] Learned counsel for both the parties and also learned counsel for the Respondent-Municipal Corporation submits that as the bathing facilities which are put up at the site are appearing to be portable one, as can be seen from the photographs produced on record, the Respondent No.4-Developer will remove the same after the permanent accommodation is given in new building to the tenants-Appellants.
- 3] In view thereof, the earlier existing bathing facilities in respect of which the notice was issued are required to be demolished

in the light of the order passed by this Court on 28/07/2017. The Respondent No.4-Developer to take necessary action in that regard. If he fails to do so, the Respondent-Municipal Corporation is at liberty and entitled to demolish the same.

4] Learned counsel for the Appellants submits that there are some defects in the portable bathing facilities which are provided.

5] Learned counsel for Respondent No.4-Developer points out that there is report of the Architect appointed by this Court stating that the work is completed to the satisfaction of the Appellants. Despite that, if anything remains, those defects will be removed through the Court Receiver.

6] Accordingly, the Court Receiver is directed to do the needful by appointing by appointing the same Architect to get the defects, if any, removed. Respondent No.4-Developer will bear the charges of the Court Receiver for the said work.

7] In view thereof, the Application(s) stand disposed of.

8] The Appeal(s) be placed on board as per CMIS date.

[DR.SHALINI PHANSALKAR-JOSHI, J.]