

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

APPEAL FROM ORDER STAMP NO. 2292 OF 2017

Rajan Balkrishna Date Appellant
V/S
The Municipal Corporation Of
Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2295 OF 2017

Santosh Dagdu Sakare Appellant
V/S
The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2297 OF 2017

Shobha Raghunath Joshi Appellant
V/S
The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2299 OF 2017

Ganpat Janu Kamble Appellant
V/S
The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2303 OF 2017

Ashok Parshuram Sawant Appellant
V/s.
The Municipal Corporation

Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2306 OF 2017

Gressy Gangadhar Poojari Appellant
V/S

The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2362 OF 2017

Ishawar Madhubai Barot Appellant
V/S

The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2366 OF 2017

Anil Sripati Yadav Appellant
V/S

The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2369 OF 2017

Prabhakar Gopal Patre Appellant
V/S

The Municipal Corporation
Of Greater Mumbai Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2372 OF 2017

Kishor Vijay Singh Appellant
V/S

The Municipal Corporation
Of Greater Mumbai

.... Respondent

WITH
APPEAL FROM ORDER STAMP NO. 2375 OF 2017

Mahadev Vitthal Avsare
V/S

.... Appellant

The Municipal Corporation
Of Greater Mumbai

.... Respondent

Mr. Vikhil Dhoke I/b M/s. G.M.Legal for appellants
Mr. Pradeep Thorat with Mrs.Madhuri More for MCGM
Mr. Prasad Bhagat, Sub-Engineer Maintainance Deptt. Present.

CORAM : SANDEEP K. SHINDE, J

DATE : 14th February 2019

P.C. :

Heard learned Counsel for the parties. The appellants – original plaintiffs, are project affected persons, to whom the respondent had allotted alternate residential accommodation at Dahisar. These letters of allotment were challenged by the appellants by filing the suit being L.C.Suit No.573 of 2016. In this suit a notice of motion was taken out whereby the appellants sought relief to injunct the Corporation from demolishing their existing structure/ houses. The learned trial Judge declined the said relief vide order dated 6th January 2017, against which these appeals are

preferred.

2] I have perused the additional affidavit filed by the Corporation dated 9th June 2017 wherein it is stated that alternate accommodations are allotted to the appellants, the details of which are stated in para 1 of the said affidavit.

3] Learned Counsel for the appellants makes a statement on instructions that all the appellants except the appellant in A.O.st.NO.2299 OF 2017 (Ganpat Janu Kambale – appellant) and A.O.st.NO.2303 OF 2017 (Ashok Sawant - appellant), all rest will vacate their existing premises and shift to alternate premises allotted to them by the Corporation on or before 8th March 2019. So far as appellants in the above appeals are concerned, they shall hand over the vacant and peaceful possession of their existing premises to the Corporation on or before 15th April 2019 and at any cost take possession of the newly allotted premises on or before 15th April 2019. Statement of these appellants is accepted. The appellants are directed to file an undertaking to this effect in the Registry within one week from today stating clearly that they will vacate the existing

premises on or before 15th April 2019 and occupy the alternate premises allotted to them by that date.

4] It is submitted by the learned Counsel for the Corporation that lifts erected in the building where the alternate premises are located are fully functional.

5] It is clarified that statutory outgoings and electricity charges shall be paid by the appellants accrued on and from the date on which they take possession of allotted alternate accommodation.

6] With the aforesaid directions, all the appeals from order are disposed of. The civil applications in respective appeals are also disposed of in view of disposal of the main appeals.

(SANDEEP K. SHINDE, J)