

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

APPEAL FROM ORDER NO.225 OF 2019

Mrs. Ravi Radha Alias Ramadori ... Appellant
Vs.
Dr. Omprakash Jhumerlal Tavri and ors. ... Respondents

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Mr. Rupesh Sohoni a/w Mrs. Bhakti Patwardhan I/b. M/s. Subhash Pradhan & Co. for Appellant.

Mr. Mahesh Menon a/w Mr. Mani Thevar I/b. Mahesh Menon & Co. for Respondent No.1.

Mrs. Madhuri More for M.C.G.M./Respondent.

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CORAM : M. S. KARNIK, J.

DATE : 25th JULY, 2019.

P. C.:

1. Heard learned counsel for the parties.
2. In view of the fresh Technical Advisory Committee ('T.A.C.' for short) report dated 6.7.2019 concluding that the building is structurally deteriorated and is in dilapidated condition, thus categorising the building as C-1 category, the present Appeal From Order is rendered infructuous in view of the subsequent developments. Even the respondent No.1 does not object to the demolition of the building but learned counsel for the respondent No.1 contends that his occupancy rights may be protected.

3. Needless to mention that if the respondent No.1 has right to occupy the premises, the same obviously will be protected in the light of the policy guidelines framed by the Corporation protecting the rights of the appellant.

4. Learned counsel for the respondent No.1 states that he would withdraw the suit before the Trial Court within a period of two weeks from today.

5. In so far as occupancy rights of the plaintiff is concerned, they will obviously be decided in the other pending proceedings.

6. Needless to mention that the Corporation will proceed in terms of the report of the T.A.C.

7. Appeal From Order is disposed of.

(M. S. KARNIK, J.)