

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

**CIVIL APPLICATION NO. 149 OF 2019
IN
APPEAL FROM ORDER NO. 29 OF 2019**

Kishor B. Somaiya & Anr.

..Applicants

v/s.

Asst. Engineer (Building & Factory Dept)
& Ors.

..Respondents

Mr. Parag Joshi i/b. Jitendra Bakliwal & Prayag Joshi for the
Appellant/Applicant.

Mr. Karl Tamboly a/w. Mr. Devansh Bheda i/b. Purnanand & Co. for
the Respondent No.4.

Mrs. Madhuri More for the MCGM.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th FEBRUARY, 2019.**

P.C.

1. The applicant herein has sought extension of time to vacate the premises. By order dated 22nd October, 2018 the applicants herein had agreed to vacate the premises in their occupation within a period of eight weeks from the date of the order. The learned Counsel for the appellant submits that the child of appellant no.5-Kishor Somaiya

is school going child and considering that their examinations are approaching, it is difficult to shift from the premises. He further submits that the sister of the appellant no.2 -Dipali Thakkar has had a fall and has suffered a fracture, and hence it was not possible to vacate the premises. The learned Counsel therefore seeks time to vacate the premises and gives an undertaking that till the time the premises are vacated, they will be occupying the premises at their own risks.

2. The learned Counsel for the respondent has opposed the extension of time on the ground that the other tenants have already vacated and the respondent no.4 has been paying rent to those who have already vacated the premises. He has submitted that the respondent no.4 is unable to develop the property as these appellants have failed to vacate the premises as undertaken.

3. Considering the reasons stated, time to vacate the premises is extended by three weeks from today. It is made clear that no further extension would be granted.

(ANUJA PRABHUDESSAI, J.)