

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.210 OF 2019

Sapankumar Jagdish Bhagat ...Appellant
vs.
Maharashtra Housing & Area
Development Authority & Ors. ...Respondents

Ms Bhagyashri Mangale for the Appellant
Mr.Ganesh Murthy I/b Jating & Jamkhandi for the
respondent No.3
Ms Neha Bhide for respondent Nos.1 and 2.

CORAM : M.S.KARNIK, J.
DATE : JULY 15, 2019

P.C.:

1 The order challenged in this Appeal is dated 3rd
April 2018 rejecting the Notice of Motion NO.2972 of
2017 passed by the Judge, City Civil Court, Mumbai.
The Notice of Motion is filed by the plaintiff for
order of temporary injunction restraining the
defendants/MHADA from forcibly dispossessing and/or
disturbing the plaintiff's peaceful and exclusive
possession of the suit premises. In paragraph 15 of
the order, it is observed by the Trial Court that it
is the function of the respondents to repair and
reconstruct the buildings in the city of Mumbai
which are in dilapidated condition and requires
either repairs or reconstruction. It is further
observed that during this activity temporary or
permanent alternate accommodation should be granted

to dis-housed eligible occupants.

2 The learned counsel for the appellant on instructions of the appellant who is present in the Courts states that he being a dis-housed and eligible occupant, he is willing to accept temporary or alternate alternate accommodation which the respondent Nos.1 and 2 will grant.

3 In this view of the matter, I do not see any reason to interfere with the order passed by the Trial Court as the appellant is willing to accept the temporary or permanent alternate accommodation. Respondent Nos.1 and 2 to consider the request of the appellant for providing temporary or permanent alternate accommodation if the appellant is dis-housed and eligible occupant. With these observations, Appeal from Order is disposed of.

4 It is also pointed out that the suit itself is dismissed for non prosecution. The learned counsel for the appellant states that she would take appropriate steps to file appropriate application for restoration of the suit. In any case, in view of the above order which I have passed, Appeal from Order is disposed of on above terms. Civil Application is also disposed of.

(M.S.KARNIK,J.)