

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST. NO. 16504 OF 2019

WITH

CIVIL APPLICATION ST. NO. 16505 O 2019

IN

APPEAL FROM ORDER ST. NO. 16504 OF 2019

Manoj Jivan Khuman

..Appellant

vs.

The Municipal Corporation of Greater
Mumbai & ors.

..Respondents

WITH

APPEAL FROM ORDER ST. NO. 16508 OF 2019

WITH

CIVIL APPLICATION ST. NO. 16510 OF 2019

IN

APPEAL FROM ORDER ST. NO. 16508 OF 2019

Dipak Laxman Mahida
& Deepak Lashman Mahinda

..Appellant

vs.

The Municipal Corporation of Greater
Mumbai & ors.

..Respondents.

**WITH
APPEAL FROM ORDER ST. NO. 16515 OF 2019
WITH
CIVIL APPLICATION ST. NO. 16517 OF 2019
IN
APPEAL FROM ORDER ST. NO. 16515 OF 2019**

Poonaben Hamir Vinjuda
through POA Mr. Hamir Kalidas Vinjuda ..Appellant
vs.
The Municipal Corporation of Greater
Mumbai & ors. ..Respondents.

**WITH
APPEAL FROM ORDER ST. NO. 16522 OF 2019
WITH
CIVIL APPLICATION ST. NO. 16523 OF 2019
IN
APPEAL FROM ORDER ST. NO. 16522 OF 2019**

Premabai Amarbhai Heliya through
POA Mr. Paresh A. Heliya ..Appellant

vs.

The Municipal Corporation of Greater
Mumbai & ors. ..Respondents.

Ms. Babita P. Pandey I/b. Dr. Suresh Mane for appellants.
Mr. J.F. Reis, Senior Counsel I/b. Mrs. Madhuri More for
respondent No.1 – MCGM.
Mr. Anil Mishra for respondent No.2.
Mr. Ashish Kamat I/b. Mr. Abhijit Singh for respondent No.3.

CORAM : M.S.KARNIK, J.

DATE : 8th JULY, 2019

P.C. :

All appeals are connected involving similar issues.

2. The matter was heard for sometime on the last occasion. The corporation was permitted to file an affidavit bringing on record the policy of rehabilitation and resettlement. Accordingly, an affidavit has been filed on behalf of the Municipal Corporation by Shri Pravin Vishnu Thorat working as an Assistant Engineer, Building Proposal, bringing on record the policy as regards the rehabilitation and resettlement.

3. The appellants are present in the Court. In view of what is stated in affidavit-in-reply, learned counsel for the appellants seeks leave to withdraw the Appeal from orders.

4. Learned counsel for the appellants, however, makes a request that they may be granted a reasonable time to vacate the premises. She submits that the appellants are willing to file undertaking that they will vacate the premises on their own within reasonable time.

5. In this view of the matter, the appellants to file an undertaking to this Court within one week from today that they will vacate the premises within a period of 3 weeks from today. No further action to be taken for a period of 3 weeks.

6. Shri Kamat, learned counsel appearing on behalf of respondent No.3 submits that in view of the ensuing rainy season, even respondent No.3 would provide all necessary assistance to the appellants to vacate and shift from the premises to alternate accommodations including help for transport, etc. if a request is made by the appellants to respondent No.3 the expenses of which the respondent No.3 is ready to bear.

7. As nothing survives for consideration in the suits from which these Appeals arise, learned counsel for appellants, on instructions, submits that necessary applications will be moved before the trial Court to withdraw the suits within a period of 1 week from today.

8. Learned counsel for the appellants, however, submits that in so far as Long Cause Suit No. 1097 of 2019 is concerned, there are some disputes between the plaintiff and his wife and submits that the possession of alternate accommodation should not be handed over to the plaintiff's wife by the corporation. Learned counsel for respondent No.2 states that the possession is already taken jointly by the plaintiff and his wife. There appears to be some dispute on this. However, this issue is kept open. It is open for the plaintiff in Long Cause Suit No. 1097 of 2019 to institute appropriate proceedings to redress his grievance.

9. The Appeal from orders are disposed of in the above terms.

10. In view of the disposal of the Appeal from Orders, nothing survive for consideration in the Civil Applications. The Civil Applications are disposed of.

(M.S.KARNIK, J.)