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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1116 OF 2014
WITH
CIVIL APPLICATION NO.3168 OF 2014

Rekha B. Patel	...Appellant
V/s.	
The Municipal Corporation of Gr. Bombay	...Respondent

Mr.Raju D. Suryawanshi for the Appellant.
Ms.Sheetal Mane Tadke i/b Mr.Vinod Mahadik for the Respondent.
Mr.Sharad P. Chavan Assistant Engineer (B & F) "N" Ward present.

CORAM : R.D. DHANUKA, J.
DATE : 21ST NOVEMBER, 2019.

P.C. :-

1. On 7th November, 2019, learned counsel appearing for the appellant invited my attention to the findings rendered by the learned Trial Judge that though the order was not signed by the concerned officer that would not mean that the order was not passed. He made a suggestion that the Corporation may be directed to pass an appropriate order on the subject matter of the suit. In view of the said suggestion, the matter is placed on board today to enable the Municipal Corporation to make a statement before this Court.

2. Learned counsel for the respondent on instructions from Mr.Sharad P. Chavan Assistant Engineer (B & F) "N" Ward states that the concerned officer will pass appropriate order on the subject matter of the suit. Statement is accepted. The Assistant Engineer (B

& F) "N" Ward shall pass a fresh order after considering the documents produced by the appellant and after granting personal hearing to the appellant. The fresh order shall be passed without being influenced by the observations made and the conclusion drawn in the order dated 23rd September, 2009 within eight weeks from the date of hearing the appellant. The learned officer shall inform the date of hearing to the appellant and shall give at least 7 days advance notice to remain present. The appellant will not ask for any unnecessary adjournment.

3. In view of the statement made by the learned counsel for the Municipal Corporation, the impugned order does not survive. The first appeal is disposed of with aforesaid directions. The civil application does not survive and is disposed of. There shall be no order as to costs.

4. If the any adverse order is passed by the learned officer against the appellant, the same shall not be implemented for a period of two weeks from the date of communication of the said order.

5. All parties as well as the learned Officer of the Municipal Corporation to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)