

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1233 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Milind Desai I/b T.R. Patel for the Applicant.

Mr. Akshay Shinde I/b Vaibhav Gaikwad for the Respondent Nos. 1 and 2.

CORAM: K.K.TATED, J.
DATED : 16.09.2019

P.C.

1 Heard learned Counsel for the parties.

2 By this First Appeal, the appellant original plaintiff are challenging the judgment and decree dated 01.07.2019 passed by the Bombay City Civil Court at Mumbai in Suit No. 1417 of 2011 dismissing the appellant suit for declaration that they are occupant of the suit premises i.e. Gala No. 205 admeasuring about 180 sq.ft. Situated at old building No. 7, Gorai Road Transit Camp, old MHB Colony, Borivali(W), Mumbai – 400 091.

3 The learned Counsel for the Appellant submits that for several years they are occupying the suit premises. Not only that,

he placed on record the photocopy of ration card showing their names. The said ration card is on page 82 in additional compilation of documents filed by the Appellant.

4 Considering the submissions made by the learned Counsel for the appellant and the impugned Judgment and Decree, I am satisfied that appellant has made out a case for following order:

- a) Admit.
- b) Printing is dispensed with.
- c) Appellant to file private paper book within one year from today, failing which First Appeal shall stand dismissed without further reference to the Court.
- d) Registry is directed to call R & P immediately.
- e) The learned Counsel for Respondent MHADA waives service.

(K.K.TATED, J.)