

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

**CIVIL APPLICATION NO.999 OF 2019
IN
APPEAL FROM ORDER NO. 771 OF 2019**

Mohd. Ismail Allabax Hirapure

And Others

... Applicants

Versus

The Municipal Corporation of

Greater Mumbai

And Another

... Respondents

.....

Mr. Sagar Batavia i/b Ms. Neha Chhajalane for the Applicants.

Mr. N.V. Walawalkar, Senior Advocate a/w Ms. Madhuri More for the Respondents-MCGM.

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CORAM : S.C. GUPTE, J.

DATE : 23 AUGUST 2019

P. C. :

. This Civil Application seeks extension of time to vacate the suit structure, concerning, which the Appellants have been unable to seek any protective relief from the Trial Court or the Appellate Court, save and except, to vacate upto 15 August 2019. It is submitted that due to floods in Sangli and Kolhapur, where the relatives of the Appellants were residing, the Applicants/Appellants had to make arrangements and could not vacate the suit premises. The Appellants, accordingly, seek two months' time for complying with the order dated 28 June 2019 passed by this Court on the Appeal from Order. Mr.

Walawalkar, learned Senior Counsel for the Respondents-MCGM submits that the court has not restrained MCGM so far from carrying out demolition work and that actual demolition work has begun from 19 August 2019. Learned Counsel, accordingly, submits that no further extension may be granted to the Appellants.

2 Considering the grievance of the Appellants, purely on humanitarian grounds and with a view to enable the Appellants to remove their belongings from the suit premises, if any, extension of time is granted for vacating the suit premises upto **31 August 2019**. The Appellants will have to anyway vacate the suit premises on or before 31 August 2019. The Respondents/MCGM should, thereafter, carry out their statutory duty and demolish the balance structure. The local Police Station, namely, Chunabhatti Police Station, is directed to provide assistance to the Respondents-MCGM for carrying out the work of demolition. Needless to add, under the guise of extension of time to vacate granted to the Appellants upto 31 August 2019, no reconstruction work shall be carried out by the Appellants in any part of the suit premises.

(S.C. GUPTE, J.)