

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

**APPEAL FROM ORDER NO.773 OF 2018
WITH
CIVIL APPLICATION NO.994 OF 2018
IN
APPEAL FROM ORDER NO.773 OF 2018**

Ranjana Rajesh Patil and Anr. ... Appellants

Versus

Slum Rehabilitation Authority, Mumbai
and Ors.

... Respondents

.....

Mr. Rajesh M. Yadav for Appellants.

G.B. Walawalkar I/b. S.P. Thorat for Respondent No.1/S.R.A.

Mr. Girish Utangale a/w Chetan Mhatre I/b. M/s. Utangale & Co.
for Respondent No.2.

Mr. A.R. Shaikh I/b. M/s. ASD Associates for Respondent No.4.

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CORAM : M. S. KARNIK, J.

DATE : 12th JUNE, 2019.

P. C.:

1. Heard learned counsel for the appellants and learned counsel for the respondents.

2. This Appeal is preferred against an order dated 01.09.2018 passed by the Judge, City Civil Court at Dindoshi holding the appellants/original plaintiffs to be guilty for disobedience and breach of the order of this Court. The appellants are further directed to give the details of their immovable and movable properties within three weeks so that those can be attached. Thereafter further orders were to be passed

by the Trial Judge on the Notice of Motion. The Appeal From Order is filed against this order. During the course of the hearing the appellants stated that they have shifted to the permanent alternate accommodation on 06.12.2018 and now the possession of Suit structure is with the respondents. It is further stated in affidavit which is filed on behalf of the appellants that there was no intention to commit breach of the order passed by this Court. It is further stated that due to some genuine difficulties, the appellants could not shift to the permanent occupation in rehab building No.2 and thus the order remained to be complied with. The appellants have tendered an unconditional apology to this Court.

3. Learned counsel for respondent No.4 initially opposed the Appeal. According to him the project has been unnecessarily delayed due to failure on the part of the appellants to hand over the possession as directed by this Court. Later on he fairly stated that he would submit to the order of this Court.

4. Considering the fact that the appellants have handed over the possession of the Suit structure and now shifted to the

permanent accommodation and then they have tendered an unconditional apology, the matter in my opinion need not proceed any further. The unconditional apology tendered by the appellant deserves acceptance. In this view of the matter impugned order dated 01.09.2018 passed by the Trial Court in Notice of Motion No.209 of 2017 is set aside.

5. Learned counsel for the appellants on instructions would submit that as nothing now remains to be decided in the L.C. Suit No.2071 of 2013, he would apply for withdrawal of the Suit within a period of one week from today, so as to enable the Trial Judge to pass formal order on the application.

6. The Appeal is disposed of. It is made clear that this unconditional apology is accepted on the plea of the appellants that they would not cause any hindrance to the project and would resort to remedies available in law for ventilating their grievance if any.

7. In view of the disposal of the Appeal, the Civil Application does not survive and accordingly stands disposed of.

(M. S. KARNIK, J.)