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

**APPEAL FROM ORDER (ST) NO.37370 OF 2018
WITH
CIVIL APPLICATION NO.37371 OF 2018
IN
APPEAL FROM ORDER (ST) NO.37370 OF 2018**

Sadashiv Shetty and anr ... Appellants.
V/s.

Municipal Corporation of
Greater Mumbai and anr ... Respondents

Mr. Altaf Khan, for the appellants.

Mr. Reis, Senior Advocate a/w Mrs. Madhuri More, for
respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 10th JANUARY, 2019.

P.C. :

1] After arguing the appeal for some time, learned counsel for the appellants fairly concedes that the appeal may be disposed off with direction to the Deputy Municipal Commissioner, to decide the appeal filed by the appellants, challenging the rejection of his eligibility for permanent alternate accommodation, within 15 days with liberty to appellants to file additional compilation of documents after giving reasonable opportunity of hearing to appellants. He further submits that even if the decision of the said appeal goes against appellants, appellants will hand over vacant possession of the

suit premises within 8 days thereafter.

2] In view of above, Appeal from Order is disposed off by following order.

Order

i) The Deputy Municipal Commissioner to decide the appeal preferred by the appellants challenging the order of rejection of their eligibility for permanent alternate accommodation within a period of 15 days from the date of this order.

ii) He shall permit the appellants to file additional compilation of documents and will give reasonable opportunity of hearing to both the parties, in support of their respective claims.

iii) If the order passed by the Deputy Commissioner goes adverse against appellants, then the appellants will hand over vacant possession of the suit premises within a period of 8 days, after communication of such order.

3] In view of disposal of Appeal from Order, pending Civil Application therein becomes infructuous and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]