

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO.265 OF 2017

IN

SUIT NO.88 OF 2017

Fine Braiding Works and Anr.

....Plaintiffs

Vs.

Mohd. Shamim Mohd. Amin Idris and Ors.

....Defendants

Mr. Bhavin H. Gada a/w. Ms. Najafia I/b. Harakhchand and Company for plaintiffs.

Mr. R.G. Shatalwar for defendant no.2.

Mr. Ravindra G. Bhat for defendant no.14.

Mr. C.N. Chavan for defendant no.15.

Mr. R.Y. Sirsikar for MCGM/defendant no.28.

CORAM : K.R.SHRIRAM, J.

DATE : 8th JANUARY 2019

P.C.:

1 The counsel state that the order dated 6th March 2017 be confirmed as order in the notice of motion.

2 Accordingly, the order dated 6th March 2017 is confirmed as order in the notice of motion and notice of motion accordingly stands disposed.

3 Mr. Gada states that BMC – defendant no.28 till date has not completed the demolition as required. Mr. Shatalwar, on instructions from defendant no.2, who is present in Court, states that everything that is unauthorised is demolished. Mr. Sirsikar is unable to state anything for want of instructions.

4 The designated officer of the concerned Ward of BMC shall, within one week from today, file an affidavit giving details of the steps taken and which are the portions of the structures demolished and if some portions are not demolished, why they have not been demolished. The affidavit to be filed and copy served upon plaintiffs, who are at liberty to take out fresh application, should the need arise.

5 Mr. Gada, on instructions states that all defendants have been served and that too long ago.

6 On or before 5th February 2019, defendants shall file their written statement and serve a copy thereof, failing which the suit as against defendants who have not filed the written statement, may get decreed.

7 Stand over to 8th February 2019 for directions.

(K.R. SHRIRAM, J.)