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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1957 OF 2019
IN
WRIT PETITION No. 14338 OF 2016
WITH
CIVIL APPLICATION No. 1958 OF 2019
IN
WRIT PETITION No. 14339 OF 2016
WITH
CIVIL APPLICATION No. 1959 OF 2019
IN
WRIT PETITION No. 14340 OF 2016
WITH
CIVIL APPLICATION No. 1960 OF 2019
IN
WRIT PETITION No. 14341 OF 2016

Nariman Bhavan Premises
Co-Op. Housing Society Ltd. & Anr. ... Petitioners
Vs.
Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

Mr. Vineet Naik, Sr. Counsel a/w Rohan Kadam a/w Anupam Dighe a/w
Ishita Bajaj ib Indian Law Alliance, for the Applicants.

Mr. S. S. Pakale a/w Santosh Prasad, Dnyaneshwar Kale, for Respondent
MCGM.

CORAM : C. V. BHADANG, J.

DATE : JANUARY 13, 2020

PC :

1. Heard learned counsel for the parties. By these civil applications, Petitioners are seeking amendment of the petitions as per the draft amendment annexed, which principally raises a challenge to the order dated 6.2.2019. Learned counsel Mr. Pakale for the first

Respondent-Corporation states that the Petitioners / Applicants have an alternate remedy of challenging the said order under S. 218-D of the Mumbai Municipal Corporation Act, 1888 which aspect is controverted by the learned senior counsel for the Applicant.

2. On hearing learned counsel for the parties, it appears that principal challenge in the main petitions is to the order passed by the Small Causes Court directing the Applicants to deposit 100 per cent of the property tax for the period from 2004 to 30th September, 2011. I find that main petitions, which are of the year 2016, are still pending for admission. Insofar as present civil applications are concerned, they are based on subsequent event of dismissal of appeals, on account of non-compliance of condition directing payment.

3. Considering overall circumstances, all civil applications are allowed, subject to the contention about the availability of alternate remedy being left open. Amendment to be carried out within one week. Main petitions be listed for admission on the supplementary board on 28th January, 2020. All civil applications are accordingly disposed of in the aforesaid terms.

Sd/-
C. V. BHADANG, J.

Vinayak Halemath

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by Vinayak P.
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