

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 178 OF 2021
WITH
INTERIM APPLICATION NO. 1798 OF 2021**

Vinod Lau Gosavi ... Appellant/Applicant
V/s.
Shakuntala S. Sawant and Ors. ... Respondents

Mr. Anil R. Mishra, Advocate for Appellant/Applicant.
Mr. Amit Saple, Advocate for Respondent No.1.

CORAM : A.S. GADKARI, J.
DATE : 3rd DECEMBER, 2021.

PC. :

1. Learned Advocate appearing for Respondent No.1, by pointing out the relevant and necessary documents on record submitted that, the Annexure-II prepared by the Competent Authority established under the Slum Rehabilitation Act, had recognized mother of the Appellant and Respondent No.1, as two individual entities, who are eligible to get accommodation in redevelopment project of the said slum. Their names reflect at Sr. Nos.25 and 26 respectively in the said Annexure-II. He submitted that, the builder who had undertaken redevelopment of the said slum project has issued possession of suit flat in favour of Respondent No.1 by executing possession receipt dated 18th May 2014. That, the Appellant has already taken possession of the flat

which is allotted to mother of Appellant and has rented it out to somebody else and is profiteering therefrom. He submitted that, the said fact has been suppressed by the Appellant while filing the present suit.

2. It thus appears that, the Appellant is occupying the suit flat in his own possession which is not allotted to him under the Slum Rehabilitation Scheme. This is a serious matter and requires enquiry by the Competent Authority established under the Slum Rehabilitation Act.

3. In view of the above, learned counsel for the Appellant seeks leave to withdraw present Appeal unconditionally.

Leave granted.

4. Appeal is dismissed, as withdrawn.

5. In view of dismissal of Appeal itself, Interim Application No.1798 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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