

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

WRIT PETITION NO. 9548 OF 2016

M/S. Oricon Properties Pvt. Ltd. ... Petitioner
Versus
Vice President And Chief Executive Officer,
MHADA & Ors. ... Respondents

Mr. P. J. Thorat for Petitioner.
Mr. Yatin Malvankar with Mr. Shrirang Katneshwarkar i/b Mr.
Prathamesh Bhargude for Respondents.
Mr. P. G. Lad with Ms. Shreya Shah and Ms. Surabhi Ghadge for
Respondent-MHADA.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**
DATED : 4TH APRIL, 2022.

P.C.:

1. The Petitioner has filed the present Writ Petition challenging the Order dated 4th January, 2016 passed by the Vice President and Chief Executive Officer, MHADA and the Order dated 27th October, 2014 passed by the Chief Officer, Mumbai Building Repair & Reconstruction Board thereby holding that the Respondent Nos. 5 and 6 are the legal representatives of Late Miss. Bellarmina Eric Furtado. By the impugned Orders the Tenancy of Room Nos. 40 & 41 of M. T. Chawl No. 4 is accepted in the names of the Respondent Nos. 5 & 6 respectively.

2. The Petitioner is the owner of M. T. Chawl No. 4 and is implementing the redevelopment of the said property under DCR 33(7). One Miss. Bellarmina Eric Furtado was the tenant of the Petitioner in respect of Room Nos. 40 and 41 of M. T. Chawl No.4. The said tenant Miss. Bellarmina Eric Furtado had given her consent for the redevelopment of the said property and had also executed the Agreement for permanent alteration accommodation with the Petitioner.

3. The said tenant Miss. Bellarmina Eric Furtado expired on 3rd January, 2012 leaving behind a Will dated 25th June, 2011 wherein she has bequeathed the tenancy rights of Room Nos. 40 and 41 in favour of the Respondent Nos. 5 and 6. The Respondent Nos. 5 and 6. The Respondent Nos. 5 & 6 have obtained probate dated 6th May, 2013 in respect of the Will dated 25th June, 2011 executed by Miss. Bellarmina Eric Furtado.

4. On the basis of the said Probate dated 6th May, 2013 the Respondent Nos. 5 & 6 have made a representation dated 12th August, 2014 to MHADA for being recognized as legal representative of the

Miss. Bellarmina Eric Furtado in respect of the said room Nos. 40 and 41 of M. T. Chawl No. 4.

5. The Respondent Nos. 5 & 6 have executed an Indemnity Bond dated 17th March, 2022 in favour of the Petitioner thereby agreeing to indemnify the Petitioner in the event any claim is made in respect of Room Nos. 40 & 41 by any person claiming to be the legal heir of Miss. Bellarmina Eric Furtado. A copy of the said Indemnity Bond is taken on record and marked "X" for identification.

6. In view of execution of the Indemnity Bond dated 17th March, 2022 by the Respondent Nos. 5 & 6 in favour of the Petitioner we are of the view that the interest of the Petitioner is sufficiently protected and hence no interference is called for in the impugned orders.

7. With the above observations the present Writ Petition is disposed of. No order as to costs.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

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