

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

APPEAL FROM ORDER NO. 630 OF 2022
WITH
INTERIM APPLICATION NO. 9897 OF 2022
IN
APPEAL FROM ORDER NO. 630 OF 2022

Ekta Seva Society Thr. Its Chief
Promoter and Members

..Appellants

v/s.

Slum Rehabilitation Authority Thr.
Its Chief Executive Officer & Ors.

..Respondents

Adv. Rahul Pandey a/w Ms. Suchita Pandey, for the Appellants.
Adv. O. P. Singh for intervention.

Ms. P. N. Diwan, for the SRA Respondent No. 1

Adv Swapnil Bangur i/b Adv. Vinali Bhaidkar for the Respondent No. 4.

Mr. A. S. Ramesan, for the Respondent No. 2.

Mr. R. Y. Sirsikar, for the Respondent No. 5.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 4th July, 2022.**

P.C.

1. The Appellants, hereinafter referred to as Plaintiffs, have assailed the order dated 11.5.2020 whereby the Learned Judge, City Civil Court has declined to grant ad interim relief in Notice of Motion No.1269 of 2020 in L. C. Suit No. 835 of 2022.

2. Heard, Learned Counsel for the Appellants and Learned Counsel

for the Respondents. I have perused the records and considered the submissions advanced by the learned Counsel for the Respective parties.

3. The Plaintiffs claim that they are in possession of premises situated in CTS No. 787 (part), 791, 792 (part) and 793 (part) at Link Road, Kandivali, West. The land wherein the structures are situated is owned by Respondent No.5-Corporation. Respondent No. 5 issued public notice on 28.02.2017 intimating that CTS No. 787, 791 to 793 were declared as slum rehabilitation scheme for rehabilitation purpose. Objections were called within 15 days from the date of Notice and subsequently LOI was issued in the year 2019 and 2021. The scheme was submitted in the year 2014. SRA scheme has been proposed by total 267 slum dwellers. The competent authority prepared Annexure-2. It is not in dispute that most of the slum dwellers have vacated their premises and the structures have been demolished.

4. The Plaintiff No. 3 who has a structure in Survey No. 751, had participated in the scheme. He had submitted his documents and he has been held eligible, whereas Plaintiff Nos. 2 and 4 who have structures in Survey No.792 are held to be ineligible since they failed to produce requisite documents. They have already filed an Appeal before the Apex Grievance Redressal Committee which is pending. Instead of pursuing

the remedy before the Apex Grievance Redressal Commission, the Plaintiffs after considerable delay, filed a suit with prayer for interim relief.

5. It is to be noted that though the Suit is filed in the name of the society, most of the slum dwellers, who are allegedly represented by the Plaintiff Society, have given their consent and have vacated the premises and also accepted the rent towards alternative premises. The Appeal is filed only by the three members, of which one of the members viz. Plaintiff No.3 has been held eligible. Prima facie, the Plaintiffs are not espousing the cause of the members of the Society, but it appears that the suit has been filed at the behest of two persons who have been held to be ineligible. As rightly observed by the learned Trial Court, granting relief as prayed for, would cause immense hardship to the other slum dwellers who have already vacated the premises.

6. Under the circumstances, the Plaintiffs have failed to prove prima facie case. The balance of convenience is also not in their favour. Hence, the impugned order does not warrant any interference. The Appeal is dismissed. Pending Applications, if any, stand disposed of.

(ANUJA PRABHUDESSAI, J.)