

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 222 OF 2021

Pramila Sumansingh Thakur

.. Appellant

Versus

General Manager

Brihan Mumbai Electric Supply and Transport
and Ors.

.. Respondents

.....

- Ms. Pramila S. Thakur, appellant present in person
- Mr. Rakesh Singh a/w. Heena Shaikh i/by M.V.Kini & Co. for Respondent No.1
- Mr.R.B.Prabhu, Asstt. Engineer - BEST

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2022

P.C.:

1. Parties have tendered the Minutes of Order dated 22.07.2022 and have requested the Court to dispose Appeal from Order No. 222 of 2021 in view thereof.

2. The Minutes of Order are taken on record alongwith two plans. The Minutes of Order are scanned and reproduced below for the sake of convenience:-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. (STAMP No. 13706 of 2021)
IN
NOTICE OF MOTION NO. 742 OF 2021
IN
L.C. SUIT NO. 2698 OF ~~2021~~ 2022

Pramila Sumansingh Thakur

...Appellant

-vs-

BEST Undertaking & Ors.

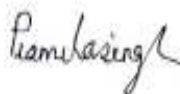
...Respondents

Minutes of the Order

It is most respectfully submitted on behalf of the parties present before this Hon'ble Court that the Appellant (in person) and the Respondent (BEST) undertaking has mutually agreed to the following points keeping the two existing substations of BEST undertaking:

The BEST Undertaking has no objection to the construction of the compound wall proposed by Appellant without removing existing distribution substations and following precautionary measures-


P.R.B. Prabhu.
Assistant Engineer.
O & M (H/W)


Pramila Thakur

1. Party has to continue to provide Means of access to our both
Distribution Substations as per Site plan no. (2005) 26 & (2009)

15. Copy of plans are attached herewith.

2. To continue the cable trench of size 750mm x 900mm deep as
provided earlier for future cable laying or repair work.

⊗
3. While carrying out civil work of compound wall party has to
protect civil structure of our both distribution substations as well
as existing underground cables.

In view of the above the parties hereby submits that this Hon'ble Court
may pass appropriate Orders.

Dated: 22.07.2022

M. V. Kini
M. V. Kini & Co
Advocates for Respondents
BEST Undertaking

Pramod Singh
Appellant
(in person)

29/7/22 ⊕ In case the BEST undertaking carry out any work
of repair, They shall restore the earth work to the earlier
position at their own cost

3. The two plans attached to the Minutes of Order are taken on record and marked “X” and “X-1” for identification. The undertaking given by the parties in the Minutes of Order are accepted as an undertaking given to the Court. The Minutes of Order are signed by appellant appearing in person and Advocate for respondent -BEST and Mr. R.B. Prabhu, Asstt. Engineer.

4. Ms. Thakur, appellant present in person submits that the appellant shall undertake the construction of the compound wall around the boundary of the appellant’s property from next week onwards. Respondent - BEST shall provide co-operation in so far as the construction of the compound wall around the two sub-station areas is concerned. Ms. Thakur submits that as stated in the Minutes of Order access shall be provided to respondent - BEST for the purpose of maintenance / repairs to be carried out in the substations through her property. Statement is accepted as an undertaking given to the Court.

5. As regards reliefs as prayed for in the pending L.C.Suit No. 2698 of 2011 are concerned, an endeavor shall be made by the trial court to dispose of the suit as expeditiously as possible and preferably within a period of 6 months from today.

6. Appeal from Order No. 222 of 2021 stands disposed of in the above terms.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date: 2022.07.23
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