

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**SECOND APPEAL NO. 570 OF 2018**

Badrilal S/o Mohanlal Vyas vs. Municipal Corporation of the City of  
Amravati and others

**WITH**

**SECOND APPEAL NO. 599 OF 2018**

Badrilal S/o Mohanlal Vyas vs. Municipal Corporation of the City of  
Amravati and others

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. S. V. Purohit, Advocate for petitioner.  
Mr. R. D. Dharmadhikari, Advocate for respondent No.1.  
Mr. A. J. Gilda, Advocate for respondent No.2 (i) to (iv).  
Ms. Ira Khisti, Advocate for respondent No.3.

**CORAM : MANISH PITALE J.**

**DATE : 22/03/2022**

These two appeals have been filed by the appellant being dissatisfied with the judgments and orders dated 28/09/2018 passed by the Court of District Judge – 3, Amravati in Regular Civil Appeal Nos. 82 of 2014 and 111 of 2014.

2. The facts pertaining to these two appeals date back to the year 1977. Having heard the learned counsel for the rival parties, in view of the fact that an amicable solution can be found to the dispute

between the litigating parties and also due to the presence of the Municipal Corporation of the City of Amravati as one of the respondents before this Court, it is found that narrating the facts leading upto filing of these appeals is not necessary.

3. The dispute between the parties pertains to allotment of shops in a mall that was constructed by the Municipal Corporation. The effect of the impugned judgments and orders is that the contesting respondents have been found to be entitled to shop No.7 on the ground floor of the aforesaid mall.

4. The appellant in these appeals has been raising competing claim to the said shop in various rounds of litigation dating back to the year 1980. There have been rounds of litigation before this Court also and ultimately by the impugned judgments and orders, it is the contesting respondents who have been found to be entitled to shop No.7 on the ground floor of the mall.

5. Various questions of law were sought to be agitated before this Court on behalf of the appellant during the course of arguments. But, it was noticed by this Court that admittedly after demolition of the earlier structure housing the market in the year 2008

and construction of the aforesaid mall, apart from the aforesaid shop No.7 at the ground floor, shop bearing No.8-A on the first floor of the mall is also available.

6. During the course of the arguments, yesterday it fell from the Court that questions of law sought to be agitated on behalf of the appellant could perhaps be considered, subject to the contentions raised on behalf of the contesting respondents, but ultimately the whole purpose of the litigation was to ensure that the parties should be left satisfied with the final result.

7. In this situation, it fell from the Court that the appellant could consider not insisting upon allotment of the said shop No.7 on the ground floor and consider shop No.8-A available on the first floor of the mall to satisfy his grievance. The appellant, who was present in the Court, through his counsel sought a short adjournment till today to reflect upon what fell from the Court.

8. Today, when the appeals were called out for hearing, the learned counsel for the appellant, on the instructions of the appellant who is personally present in this Court, submitted that this Court may pass appropriate order in the interest of justice.

9. In view of the above, without disturbing the findings rendered by the District Court in the impugned judgments and orders, this Court is of the opinion that shop No.8-A available on the first floor of the mall ought to be allotted to the appellant so as to satisfy his grievance. The learned counsel appearing for the respondent – Municipal Corporation submits that shop No.8-A is vacant and indeed available for such allotment.

10. In view of the above, the appeals are disposed of, maintaining the impugned judgments and orders passed by the District Court. At the same time, the respondent – Municipal Corporation is directed to allot shop No.8-A available on the first floor of the mall to the appellant herein. With this there would be no impediment in processing the claim of the appellant for shop No.8-A on the first floor and the claim of the contesting respondents for shop No.7 on the ground floor. Therefore, the respondent – Municipal Corporation is directed to take further steps in the matter and to execute an agreement with the appellant for shop No.8-A on the first floor of the mall and with contesting respondents for shop No.7 on the ground floor of the mall and to handover the possession to the said parties

respectively. This may be done expeditiously and in any case within a period of six weeks from today.

11. The appeals stand disposed of.

**JUDGE**