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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
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REVIEW PETITION NO.3 of 2023
IN
SECOND APPEAL NO.756 OF 2016
WITH
INTERIM APPLICATION NO.18057 OF 2023
IN
SECOND APPEAL NO.756 OF 2016

Ashok G. Shelke ...Appellant
V/s.
Suresh G. Shelke & Ors. ...Respondents

WITH
INTERIM APPLICATION NO.18057 OF 2023
IN
REVIEW PETITION NO.3 of 2023
IN
SECOND APPEAL NO.756 OF 2016

Suresh G. Shelke & Ors. ...Appellants
V/s.
Ashok G. Shelke ...Respondent

Mr.Atul G. Damle, Senior Counsel i/b Ashoka Law Firm for the
Appellant.

Mr.Prasad K. Dhakephalkar, Senior Counsel i/b Mr.Bhalchandra S.
Shinde for the Applicants in IA No.18057 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 19TH DECEMBER, 2023.

P.C. :-

1. This Review Petition is filed by Ashok Ganu Shelke, who is
*This order is corrected as per speaking to the minutes of the order dated 22 December
2023.*

the original Plaintiff, challenging the order dated 30 August 2019 passed in Second Appeal No.756 of 2016, on various grounds. After hearing the matter for some time, both the Senior Advocates agree that if all the four brothers i.e. Ashok Ganu Shelke (Original Plaintiff), Suresh Ganu Shelke (Original Defendant No.4), Namdeo Ganu Shelke (Original Defendant No.2) and Krishna Ganu Shelke (Original Defendant No.3) are allowed to prefer a fresh application for regularization of their structure which fall within the land admeasuring 1175 sq. mtr., the CIDCO who is the planning authority would decide regularization of such structure as per Rules and Regulations of CIDCO. The Review Petition is accordingly disposed of with following directions :-

- (a). Applications for regularization can be filed by the above mentioned four persons viz. Ashok Ganu Shelke, Suresh Ganu Shelke, Namdeo Ganu Shelke and Krishna Ganu Shelke within a period of three weeks from today.
- (b). CIDCO will make an attempt after taking all the documents on record from the above mentioned four persons and hearing them in person or through a lawyer, to decide their application within a period of eight weeks from today.
- (c). Rest of order passed on 30 August 2019 passed in Second Appeal No.756 of 2016 remains unaltered.

This order is corrected as per speaking to the minutes of the order dated 22 December 2023.

2. A copy of this order be served upon Namdeo Ganu Shelke and Krishna Ganu Shelke by all possible means of service by the Applicants within a period of one week from today.
3. All Interim Applications stand disposed of.
4. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)