

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.867 OF 2023
WITH
INTERIM APPLICATION NO.16469 OF 2023
IN
APPEAL FROM ORDER NO.867 OF 2023

Naresh Mukund Tambe
V/S

....Appellant/Applicant

Chief Executive Officer

Slum Rehabilitation Authority & Ors.

....Respondents

...

Mr. H.S. Anand i/b Mr. Anand H. Singh for the Appellant/Applicant.
Ms. Dhruti M. Kapadia for Respondent Nos.1 and 2.

...

CORAM: SANDEEP V. MARNE, J.
DATE : OCTOBER 23, 2023.

P.C.:

1 The learned Counsel appearing for the Appellant, on instructions seeks leave to withdraw the Appeal and submits that the Appellant shall instead prosecute the application for eligibility filed with the Competent Authority. He prays for time of two months to vacate the suit structure.

2 Accordingly, the Appeal can be disposed of as withdrawn granting liberty to the Appellant to pursue his application for eligibility before the Competent Authority.

3 While deciding the application for eligibility, the Competent Authority shall not be influenced by any of the observations made by the City Civil Court. The Competent Authority to proceed to decide the application for eligibility filed by the Appellant as expeditiously as possible, preferably within a period of three months from today.

4 The Appellant undertakes to vacate the suit structure within a period of two months from today. The statement is accepted as undertaking to this Court. If Appellant fails to vacate the suit structure within the period specified above, it shall be open for the Competent Authority to demolish the same.

5 Appeal is accordingly disposed of as withdrawn with liberty as prayed for.

6 In view of the disposal of the Appeal, the Interim Application also stands disposed of accordingly.

(SANDEEP V. MARNE, J.)