

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 17061 OF 2023
(for delay)
IN
APPEAL FROM ORDER (ST.) NO. 29003 OF 2023
ALONGWITH
APPEAL FROM ORDER (ST.) NO. 29003 OF 2023

Mr. Pradeep Premji Nandu Prop.
M/s. Nandu Stores
Tenant/Occupant and Ors.

...Applicants

V/s.

Municipal Corporation of Gr.
Mumbai and anr.

...Respondents

Ms. Madhuri Maisheri a/w. Ms. Rubia Taneja a/w. Ms. Shama Taneja for the Applicants.

Mrs. Smita Tondwalkar, for M.C.G.M.-Respondent No.1.

Mr. Vikramjit Garewal a/w. Mr. Harshil Parekh i/by. M/s. Purnanand & Co., for Respondent No.2.

CORAM : SANDEEP V. MARNE, J.

Dated : 7 November 2023.

P.C. :

Interim Application No. 17061 of 2023 :

1. This Interim Application is filed for condonation of delay in filing the present Appeal. Considering the averments made in the

application, the same is allowed. The delay in filing the Appeal from Order is condoned. Interim Application is disposed of.

Appeal from Order (St.) No. 29003 of 2023 :

2. This Appeal is filed challenging the order dated 12 April 2022 passed by the City Civil Court rejecting the draft Notice of Motion filed for seeking temporary injunction in respect of the notice dated 4 November 2019 issued by the Municipal Corporation for Greater Mumbai under the provisions of Section 354 of the Mumbai Municipal Corporation Act, 1888. The learned counsel appearing for the Appellant would invite my attention to the order passed by this Court on 6 October 2023 in Appeal from Order No. 727/2022 and other connected Appeals. She would submit that the present Appeal can be disposed of by passing the same order. The learned counsel appearing for Respondent No.2 agrees to the suggestion. Accordingly, the Appeal is **disposed of** by passing the following order :

- (i) The Appellant and Respondent No.2 shall execute Permanent Alternate Accommodation Agreement (PAAA) on the same terms as executed with the other tenants in respect of residential/commercial structures within a period of two weeks from today.

- (ii) The Appellants shall vacate the structures in their occupation on/or before 2 December 2023.
- (iii) The Respondent No.2 shall pay transit rent to the Appellants as is being paid to the other occupants of residential/commercial structures from the date of vacation of structures by them.
- (iv) In the event of failure of the Appellants to cooperate with Respondent No.2 for execution of PAAA or to vacate the suit structures within the time indicated above, it shall be open for the Municipal Corporation to demolish the structures in possession of the Appellants without issuing any further notices.

3. In view of the above directions, the learned counsel appearing for the Appellants would fairly submit that the suit before the City Civil Court shall be withdrawn. The statement is accepted.

4. With the aforesaid directions, the Appeal is **disposed of**. All Interim Applications pending therein also stand disposed of.

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SANDEEP V. MARNE, J.