

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 830 OF 2022
WITH
INTERIM APPLICATION NO.4111 OF 2019

Maniklal S. Tripathi ...Appellant
Versus
The Municipal Corporation of Greater Mumbai & Anr. ...Respondents
...
Mr. D.V. Sawant i/by Mr. R.D. Mishra, for Appellant.
Mr. Gauraj Shah a/w Mr. Kaushik Shah, Ms. Mitali Kamdar i/by Kanga & Co.
for Intervenor.
Mrs. Smita Tondwalkar, for Respondent -MCGM.

...

CORAM : SANDEEP V. MARNE, J.
DATE : OCTOBER 17, 2023.

P.C.:

1. The Appeal is filed challenging order dated 4 December 2019 passed by the City Civil Court rejecting Plaintiffs Notice of Motion No.3429 of 2019.
2. On 7 October 2023 this Court permitted the Greater United Industrial Co-operative Estate Ltd. to be added to the present Appeal for the purpose of exploring whether the settlement could take place between the parties.

3. After arguing the Appeal for some time, Mr. Sawant, the learned counsel appearing for the Appellant and Mr. Shah, the learned counsel appearing for the Intervenor agreed to the following arrangements:

- i) The Intervenor-Society shall execute an agreement for permanent alternate accommodation with the Appellant by providing 21% area over and above the area currently in occupation of the Appellant in the newly developed building.
- ii) For the purpose of computing the exact area in occupation of the Appellant, an official of the Municipal Corporation shall pay visit to the suit premises and carry out measurement thereof and give an intimation of the exact area in occupation of the Appellant both to the Appellant as well as Intervenor within a period of two weeks from today.
- iii) The agreement for grant of permanent alternate accommodation shall contain covenant for payment of transit rent at the rate of Rs.70/- per Sq. Ft. commensurate to the area currently in occupation of the Appellant. The rent for period of 12 months from the date of vacation of the suit structure shall be paid to the Appellant on the date of vacation of the suit structure.

iv) The entitlements of the Appellant both to the permanent alternate accommodation as well as transit rent would be subject to the final result of the Suit.

v) The Intervenor-Society is permitted to file an application in the pending suit of the Appellant seeking intervention and as and when such application is filed, the City Civil Court shall permit the Intervenor-Society to be impleaded as a Party-Defendant to the suit.

4. Mr. Savant would submit that the Appellant would vacate the suit structure within a period of two weeks from today. Statement is accepted.

5. In view of consensus prevailing between the parties, nothing further needs to be adjudicated in the present appeal.

6. The City Civil Court is requested to expedite the hearing of the suit and shall make an endeavour to decide the same as expeditiously as possible, preferably within a period of one year from today. With the above directions, the Appeal is disposed of. In view of disposal of Appeal, Interim Application does not survive and stands disposed of.

(SANDEEP V. MARNE, J.)