

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1602 OF 2024

NIKITA
KAILAS
DARADE
Digitally signed by
NIKITA KAILAS
DARADE
Date: 2024.02.05
17:18:40 +0530

Laxmi Ramchandra Pokharkar

... Petitioner

V/s.

Estate Manager Zone 3A Mumbai
Building Repair and Reconstruction
Board and Ors.

... Respondents

Mr. Sachin Daswadikar for the petitioner.

Ms. Sayli Apte i/b Mr. P. G. Lad, for respondent Nos. 5
and (MHADA).

Mr. Nitesh Bhutekar for Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 5, 2024

P.C.:

1. The petitioner is challenging order of his eviction under the provisions of the Maharashtra Housing and Area Development Act, 1976. The petitioner's statutory appeal before the authority has been dismissed for non prosecution.

2. It is open for the petitioner to apply before the Appellate Authority for restoration of appeal. In the mean time, since the authority under the provisions of the said act has issued notice of eviction, it would be in the interest of justice to protect the petitioner for a period of one week, so that he shall take necessary steps for restoration of appeal.

3. Hence, the petitioner shall not be evicted for a period of one week from today.
4. The writ petition stands disposed of. No costs.
5. The application for restoration shall be decided on its own merits by the Appellate Authority.

(AMIT BORKAR, J.)