

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

**INTERIM APPLICATION NO. 7938 OF 2024
IN
APPEAL FROM ORDER NO. 833 OF 2023**

Bharat Mehta and Ors. ..Applicants
Vs.

The Municipal Commissioner
The Municipal Corporation of Greater
Mumbai and Ors. ..Respondents

Mr. Sameer Tendulkar, for the Applicants.
Ms. Smita V. Tondwalkar, for the Respondents No.1 to 3/ MMC.
Mr. Rishikesh Soni a/w. Mr. Shrikant Seegarla a/w. Mr. Swapnil
Shikhare i/b. RMG Law Associates, for the Respondent No.4.

CORAM : R. N. LADDHA, J.
DATE : 2 MAY 2024

P.C.

. Heard learned counsel for the parties.

2. This is an interim application filed by the applicants for the following substantive reliefs:

“(A) This Hon’ble Court be pleased to recall the order dated 9th October, 2023 passed in the Appeal from Order No.833 of 2023 and further be pleased to modify the same by allowing the further period of six

months time to vacate the suit structures and further permitting the applicants to occupy the suit structure for a period of six months from 9th April, 2024;

(B) The respondents be directed to expedite the process of giving the Intimation of Disapproval for which the application has been made by the respondent No.4.”

3. The learned counsel for the applicants submits that the applicants are occupants of the ground floor, while the upper floor has been vacated by the occupants. The structure remains undemolished at this point. Since the structure was declared as dilapidated, the applicants have challenged the findings of the structural audit report. The Technical Advisory Committee (TAC) did not consider their submissions and rejected it. As a result, the applicants filed a suit in the City Civil Court, Mumbai. However, their interim reliefs were also denied, leading them to file appeal (AO) before this Court. The appellants, however, withdrew their appeal but they requested six months to vacate the suit structure. In response, this Court granted the requested time, with the condition that the appellants must submit an undertaking acknowledging that their occupation of the suit structure would be entirely at their own risk.

4. After examining the material available on record, it becomes evident that the applicants are requesting a modification

of the order dated 9 October 2023, passed by this Court. They seek an additional six months period to vacate the suit structures. The original time granted for vacating the structures has already been elapsed. Furthermore, the suit structures are in dilapidated condition. The TAC expressed the opinion on 21 August 2023, that building should be demolished. In view thereof, this Court is not inclined to grant any relief to the applicants. As such, the application stands rejected.

R. N. LADDHA, J.