

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1798 OF 2024

AIR Corporation of Scheduled Casts And Scheduled Tribes Employees Association Through Mr Kishor J Dhole ...Appellant

Versus

Union of India Through Secretary Govt of India & Ors. ...Respondents

WITH

INTERIM APPLICATION NO. 15566 OF 2024

WITH

INTERIM APPLICATION NO. 15565 OF 2024

WITH

INTERIM APPLICATION NO. 15009 OF 2024

WITH

INTERIM APPLICATION NO. 15006 OF 2024

Mr Nitin Satpute, with Dipak Jagdeo, Rachit Singh, Shobha Buddhivant, Snehali & Kishor Dhote, for the Appellant.

Ms Vikram Nankani, Senior Advocate, with Chirag Kamdar & Samruddhi Mali, i/b Wadia Ghandy, for Respondent No.4.

Ms Shilpa Kapil, with Chidanand Kapil, for Respondent No. 3-AAI.

CORAM: ARIF S. DOCTOR, J

DATED: 11th December 2024

PC:-

1. Mr Nankani, Learned Senior Advocate for Respondent No.4 at the outset pointed out that the order dated 2nd December 2024 made reference to Annexure-1, which is a list of individual/members of the Appellant association and Annexure-2 which was the format of the undertaking to be given by those members seeking to remove their articles from their respective tenements/flats, however the same was not uploaded along with the order. Hence, let the same be uploaded today.

2. I am informed today that despite the order passed on the previous occasion, none of the members of the Appellant have in fact approached Respondent No. 4 for seeking the removal of their personal articles and belongings from their respective tenements,.

3. Learned Counsel for the Appellant points out that the reason why the members did not approach Respondent No. 4 was because a copy of the undertaking that was given to them contained a clause which effectively stated that signing such undertaking would be giving up their rights in respect of their respective tenements. The order dated 2nd December 2024 makes it clear that this would not be the case. However, since a copy of the undertaking is not uploaded, I am today extending time to the members of Appellant-Association who seeks time to remove their articles/belongings till 13th December 2024 subject to giving an undertaking in the format attached as Annexure-2.

4. Hence, the date ***"5th December 2024"*** in paragraph 2(iii) of the order dated 2nd December 2024 be corrected to read as ***"13th***

December 2024” keeping the same timeline subject to the members of the Appellant given the undertaking in the format uploaded today before 5.00 pm on the 12th December 2024.

5. In view of the fact that today I am informed that 22 members/individuals of the Appellant-Association have now filed their independent Appeals, Learned Counsel for the Appellant seeks time to take instructions from his client as to whether the present Appeal will be prosecuted or not.

6. List the matter on 16th December 2024.

(ARIF S. DOCTOR, J)