

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1949 OF 2025
IN
WRIT PETITION NO. 679 OF 2023

Jayshree w/o Amrut Kamble & Ors. ... Applicants.

In the matter between

Amrut Krishna Kamble, deceased
through LHRs. ... Petitioner.

V/s.

Municipal Corporation of Gr. Mumbai & Ors. ... Respondents.

WITH
WRIT PETITION NO. 679 OF 2023

Amrut Krishna Kamble, deceased
through LHRs. ... Petitioner.

V/s.

Municipal Corporation of Gr. Mumbai & Ors. ... Respondents.

Mr. Suresh A. Ghamre, Advocate for Applicants.

Ms. Komal Kodharkar, a/w. Mr. R.Y. Sirsikar, Advocate for BMC.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 3rd OCTOBER, 2025

P.C. :

1. Heard the learned Advocate for the respective sides.
2. For the reasons set out, the **Interim Application is allowed** by condoning the delay of 122 days, keeping in view the law laid down by the Hon'ble Supreme Court in *Collector, Land Acquisition, Anantnag & Anr. v/s. Mst. Katiji & Ors.*¹ and *Esha Bhattacharjee v/s. Managing Committee of Raghunathpur Nafar Academy & Ors.*².
3. The Legal Heirs shall be brought on record in the Petition on or before 16th October, 2025, failing which this Petition shall stand abated and disposed off without reference to the Court, on 17th October, 2025.

ORDER IN THE WRIT PETITION

3. This is a peculiar case wherein the Petitioner is attempting to play tricks even on the Court. While admitting that her husband got a job in the class IV category with the Corporation, as a consequence of the employment, he was put in possession of the residential quarter which was available only for that category. The Petitioner is now attempting to say, after the demise of her husband, that the quarter does

1 1987(2) SCC 107
2 (2013) 12 SCC 649

not belong to the Corporation, it belongs to the Petitioner and the Corporation must approach the Civil Court and get the issue decided. Only if the Civil Court holds against the Petitioner, the Petitioner will vacate the premises.

4. We are unable to appreciate this stand, which is not only unfair, but illegal. The Petitioner has approached this Court for payment of retirement dues of her husband. She is squatting on the premises which was allotted to the husband only because he was inducted in the class IV employment of the Corporation. Now the Petitioner takes a stand that the property belongs to her.

5. The learned Advocate for the Corporation submits that the accommodation which was delivered to the deceased employee was because he was a Class IV employee working as a peon. Subsequently he was promoted in the Class III category and became a Mukadam. Once he gets into Class-III, he cannot occupy the said quarter. He misrepresented to the Corporation that he is still a Class-IV employee and that is how the deceased continued to occupy the quarter. In any case, the quarter will not belong to the Petitioner who falls in the Class-III Category.

6. We direct the Corporation to file an additional affidavit in reply with all the relevant documents to indicate that the Petitioner cannot have any right to ownership of or title over the quarter occupied by her. Let such affidavit be filed within 3 weeks from today, as per the request of the Corporation.

7. List Writ Petition on **10th November, 2025** for further consideration.

8. In so fact as the payment of dues are concerned, since the Petitioner has taken a stand that even if she gets the dues, she will not vacate the quarter, that we would consider whether to direct the payment, on the next date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)