

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

**APPEAL FROM ORDER (ST.) NO.28358 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Shirin Saifuddin Lakdawala
Through her Constituted Attorney and Son
Muslim Saiffudin Lakdawala .. Appellants
vs.

Executive Engineer – C-1 Division,
& Others .. Respondents

WITH

**APPEAL FROM ORDER (ST.) NO.28359 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Saifuddin Dawoodbhai Lakdawala
Through her Constituted Attorney and Son
Muslim Saiffudin Lakdawala .. Appellants

vs.

Executive Engineer – C-1 Division,
& Others .. Respondents

WITH

**APPEAL FROM ORDER (ST.) NO.28360 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Saifuddin Dawoodbhai Lakdawala
Through her Constituted Attorney and Son
Muslim Saiffudin Lakdawala .. Appellants

vs.

Executive Engineer – C-1 Division,
& Others .. Respondents

Mr.Ashif Husain a/w Mr.Rajesh Kanojia a/w Ms.Shraddha Chaurasia for the appellants

Mr.Pravin Samdhani, Senior Counsel along with Mr.Chirag Kamdar and Ms.Paridhi Saraf i/b M/s.Wadia Ghandy and Co. for the respondents nos.4 to 19

Ms.Sayli Apte i/b Mr.P.G.Lad for the respondent nos.1 and 2 (MHADA)

**CORAM: K.K.TATED, J.
DATED : OCTOBER 29, 2019
(VACATION COURT)**

P.C.

. Heard.

2. After arguing for some time, both the counsel submitted Minutes of Order dated 29.10.2019 duly signed by the Advocates on record and their respective clients. Same reads thus:

“MINUTES OF ORDER”

1. *The Appellants in all three Appeals shall hand over vacant and peaceful possession of the structures in their occupation within a period of two weeks from the date hereof against receipt of transit rent for a period of 24 months in each of the above Appeal. The rent in respect of three premises in three Appeals respectively are as follows:*

| <i>Floor</i> | <i>Unit No.</i> | <i>Tenant Name</i> | <i>Tenant Carpet Area (Sq.mtrs)</i> | <i>Carpet Area (Sq.ft.)</i> | <i>Rent Per Sq.ft.</i> | <i>Rent per month</i> | <i>For 24 months</i> |
|---------------|-----------------|-----------------------------|-------------------------------------|-----------------------------|------------------------|-----------------------|----------------------|
| <i>Ground</i> | 3. | <i>Shirin S. Lakdawala</i> | 50.23 | 540.67 | 250 | 1,35,168 | 32,44,020 |
| <i>Ground</i> | 4. | <i>Saifuddin Dawoodbhai</i> | 63.70 | 685.66 | 250 | 1,71,415 | 4,13,960 |
| <i>Ground</i> | 5. | <i>Saifuddin Dawoodbhai</i> | 53.56 | 576.52 | 250 | 1,44,130 | 34,59,120 |

2. *In the event, the Appellants failed to vacate the premises in three Appeals, MHADA is to act in accordance with the order passed by MHADA.*

3. *The respondents nos.4 to 19 undertake to this Hon'ble Court to execute and register a permanent alternate accommodation agreement with each of the Appellants in respect of premises in three Appeals within a period of two months from the date of receipt of IOD for the sub-cluster where the suit premises are situated.*

4. *The Respondent nos.4 to 19 undertake to this Hon'ble Court to offer and give parity in terms of all the benefits which are being offered to all other tenants similarly situated.*

5. *All the contentions of the parties in the suit are kept open and the Suit shall be decided by the City Civil Court on its own merits without getting influenced with this Minutes of Order.”*

3. Minutes of Order is taken on record and marked 'X' for identification.

4. All the three Appeals from Order stand disposed of in

terms of Minutes of Order.

5. In view of disposal of all the three Appeals from Order, nothing survives in the pending three Interim Applications. Same stand disposed of as infructuous.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)