

Before: Shri D.V. Sawant
Registrar (O.S.)/
Prothonotary & Senior Master.

Date: 26th September, 2013.

Suit (L) No.338 of 2013.) Mentioned. Not on Board.
)
) Mr. P. M. Shah, Advocate for Plaintiffs.
)
) Mr. Shah applies for setting aside the Order of
) rejection.
)
) Affidavit-in-support dated 26-09-2013 of
) Shri Sanjay Gond, Managing Clerk of Advocate
) for the Plaintiffs is taken on record.
)
) P.C.: Perused the Affidavit-in-support of
) Managing Clerk of Advocate for Plaintiffs. A
) case is made out. In the interest of justice, the
) matter is restored to file. However, the
) Advocate for the Plaintiffs is directed to remove
) the Office objections on the Suit and get the
) same numbered and registered on or before
) 24-10-2013 as a last chance, failing which the
) Petition stands rejected under O.S.Rule 986.
)

26-09-2013.

Registrar (O.S.)/
Prothonotary & Senior Master.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (L) NO.906 OF 2013
IN
SUIT (L) NO.338 OF 2013

Shreenath Towers Co-op. Housing
Society (proposed) and Ors.

.....Plaintiffs

Versus

Shreenath Developers and Ors.

.....Defendants

Mr. P.M.Shah with Mr. M.K.Tanna, for Plaintiffs.

Mr. H. Pimple, for Defendant Nos.9 to 11.

Mr. H.S.Bure, A.E.B.P. (W.S.) R/s Ward, present.

CORAM: S.J.KATHAWALLA, J.

DATE: 10th OCTOBER 2013

P.C. :

1. The above Notice of Motion was called out on 9th October, 2013 and adjourned to today to enable the Corporation to take instructions in the matter. Today, the learned Advocate appearing for the Corporation instructed by Mr. H.S.Bure, states that since the year 2003, the building is fully occupied by the tenants without any occupation certificate issued by the Corporation. He states that water is being supplied by the Corporation to the occupants on humanitarian ground on payment of extra charges. The Municipal Corporation is therefore, called upon to file an Affidavit stating as to what steps are required to be taken

by the Corporation when a building is being occupied by the tenants without obtaining the occupation certificate and what steps are in fact taken by the Corporation in the last 10 years against the occupants who have been in occupation since the year 2003 and also against the developer/builder who has put the said occupants in possession of the flats/tenements without obtaining any the occupation certificate from the Corporation. Stand over to 14-10-2013, first on board.

(S.J.KATHAWALLA, J.)

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Shreenath Towers Co-op. Housing Society
(proposed) and Ors.

.....Plaintiffs

Versus

Shreenath Developers and Ors.

.....Defendants

Mr. P.M.Shah with Mr. M.K.Tanna, for Plaintiffs.

Mr. C.S.Shidhare, for Defendant No.6.

Mr. Mayur Khandeparkar i/by M/s. Kanga and Co., for Defendant No.7.

Mr. S.U.Kamdar, Senior Advocate with Mr. H. Pimple, for Defendant Nos.9
to 11.

Mr. Y.M.Chaudhari i/by Mr. Omkar Kulkarni, for Defendant Nos.12 to 14.

CORAM: S.J.KATHAWALLA, J.

DATE: 21st OCTOBER 2013

PC. :

1. Mr. Nitin Nagarji Mehta, Defendant No.2, is directed to remain present before this Court on 28-10-2013, at 11.00 a.m., failing which this Court shall pass necessary orders to ensure his presence before the Court. Stand over to 28-10-2013.

2. A copy of this order shall be hand delivered to Mr. Nitin Nagarji Mehta, Defendant No.2, by the Advocate for the Plaintiffs.

(S.J.KATHAWALLA, J.)