

Ajay

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

**CIVIL APPLICATION NO.3736 OF 2018  
IN  
FIRST APPEAL NO.1353 OF 2010**

Rizwan Ahmed Khan and Anr. .. Applicants

**IN THE MATTER BETWEEN**

Municipal Corporation of Greater Mumbai .. Appellant.

**Versus**

Ahmedullah Fakrullah Khan and Anr. .. Respondents.

.....  
Mr. Vishwajeet S. Kapase, Advocate for the Applicants.

Mr. J.S. Kini i/by Sapna Krishnappa, Advocate for Respondents.

Ms. Sheetal Mane for BMC.  
.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MAY 05 2021.**

**(Through Video Conferencing)**

**P.C.:**

**1.** Heard.

**2.** This Civil Application is filed by the Applicants for seeking tenantable repairs of the suit structure occupied by them.

**3.** The praecipe lists certain repairs which are required to be carried out before the onset of monsoon. Without going into the details, the learned counsel appearing for the Applicants have brought to my notice the twin orders dated

01.10.2019 and 17.02.2020 passed by this Court in the present application. Both these orders ensure to the benefit of the Applicants and the relief which is prayed for in the present application.

**3.** By order dated 01.10.2019 the Applicant was directed to submit details of the repairs required to be carried out to the suit structure. Though the Applicants submit that they have filed the same, there appears to be some discrepancy because the second order dated 17.02.2020 passed by this Court states that some of the repairs sought for by the Applicants may require permission of the building proposal department.

**4.** Be that as it may, in the interest of justice, Applicants are directed to make a fresh application giving details of the repairs required to be carried out to their structure to the Respondent Corporation within a period of one week from today in compliance with the directions contained in the order dated 01.10.2019.

**5.** Once the Respondents receive the application with all the details of the repairs sought for by the Applicants to their structure, the Corporation is directed to scrutinize the same in accordance with law.

**6.** It is made clear that the Corporation shall immediately give permission in respect of tenantable repairs for which no permission of the Corporation is required as stated by the Corporation in its affidavit-in-reply. Further if any of the repairs sought for by the Applicants fall within the ambit of the building proposal department, then in that case the Corporation shall accordingly inform the Applicants about the same so as to enable the Applicants to pursue its application for seeking such repairs in accordance with the provisions of the Municipal Corporation Act and law as applicable.

**7.** Considering the urgency expressed in the application, the Corporation shall inform the Applicants accordingly in reply to their application, if received, within a period of two weeks from the date of receipt of the application and also specify the time frame within which the repairs will have to be carried out by the Applicants strictly.

**8.** Stand over to 07.06.2021.

**9.** Parties to act on an authenticated copy of this order.

**[ MILIND N. JADHAV, J. ]**