

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 897 OF 2010  
IN  
SUIT NO. 3583 OF 2007

Chanderbhan Arora.

.. Plaintiff

Vs.

Anita C. Arora & Anr.

.. Defendants

...

Mr. Dhiren H. Shah a/w Mr. Jayesh Rathod, for plaintiff in  
s/3583/07.

Mr. A. M. Vernekar a/w Samarth Pai for Applicant in NMS/897/10,  
NMS/237/10, NMS/125/13, NMS/4938/10 & for petitioner in  
contempt Petn no. 66/2010.

**CORAM : A. K. MENON, J.**

**DATE : AUGUST 20, 2015.**

P.C.:

The notice of motion is taken out by defendant no. 1 seeking several reliefs. Pursuant to an order dated 19<sup>th</sup> January 2010 passed a Notice of Motion No. 4298/2007 in the above suit, the plaintiff was permitted to use and occupy one of two bedrooms of the suit flat which was marked in red ink on a plan tendered in the court, at the time when the aforesaid order was passed. It is not in dispute that the keys to the entire flat have since been handed over to the plaintiff on the understanding that he will be entitled to use only the second bedroom which is not in occupation

of the first defendant. In order to ensure that there is no dispute on the location of the bedroom, it is made clear, by consent of the parties that the smaller of the two bedrooms is to be occupied by the plaintiff and he will use the keys of the flat only for accessing the said bedroom.

Today it is agreed between the learned advocates appearing for both the parties on instructions of their respective clients that save and except the use of the said smaller bedroom by the plaintiff and any household, help that the plaintiff may require for cleaning the bedroom during his presence in the said room, no third party will be allowed to access the said flat. It is also agreed by the learned counsel for the plaintiff that the plaintiff has no intention of carrying out any structural changes or renovation of the room to which he is entitled. In the circumstances I pass the following order.

(i) In the event the plaintiff enters the suit flat being flat No. 1204, 12<sup>th</sup> Floor Panchvati Cooperative Housing Society , he will do so only for the purpose of ingress and egress to the smaller bedroom and not for any other purpose.

(ii) In such event the defendant no. 1 shall not prevent

access to the room by the plaintiff and any one helper to clean the room during the presence of the plaintiff in the room, such helper will leave the flat immediately after cleaning the said smaller room.

(iii) Since it is not in dispute that maintenance charges of the society and taxes are being paid by the defendant no.1 and who states that she will continue to do so, no further orders are required to be passed in the notice of motion. Motion disposed of accordingly.

(A. K. MENON, J.)