IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 703 OF 2014

WITH

NOTICE OF MOTION NO.508 OF 2015

Varyam Kaur Dayasingh Ravalsingh Arora Plaintiff

V/s.

Lokhandwala Estate and Development Co. Ltd Defendant

Mr. M.S. Surana for the Plaintiff.

Mr. Chirag Balsara, instructed by M/s.Diamondwala & Co., for Defendant.

CORAM: S.J.KATHAWALLA, J.
DATE: 31/8/2015

P.C.:

1. The learned Advocate for the Defendant submits as follows:

(i)that the suit flat was sold by the Defendant to the Plaintiff on 16/3/1989 and therefore the Defendant has no claim over the suit flat.

(ii) The Defendant has never sent any representatives to the Plaintiff to recover any amount as alleged or at all and all the allegations made in Paragraph No.9 are false and incorrect.

(iii) The Defendant fail to understand the motive of the Plaintiff behind filing of the above Suit.

(iv) Since prayer clause (a) of the Suit does not concern the Defendant, they have no objection if the said prayer is granted.

2. The learned Advocate for the Plaintiff states that the Plaintiff will be satisfied if the Suit is allowed only in terms of prayer clause (a).

3. From the averments made in the Plaint and the documents annexed thereto, it is established that the Suit flat has been purchased by the Plaintiff from the Defendant under an agreement dated 16/3/1989. Thereafter, the Society has

issued Share Certificate in the name of the Plaintiff, as can be seen from the Share Certificate issued by the Society (Exh.C) to the Plaint. In view thereof, the Suit is allowed in terms of prayer clause (a), which is reproduced hereunder:

> (a) this Hon'ble Court be pleased to hold and declare that Plaintiff is absolute, legal and rightful owner of Suit flat, being Flat No.1302 in Building No.1A in Green Acres Building in GREEN ACRES CHS LTD., situated at 325, Lokhandwala Complex, S.No.41 (Part), CTS No.1/76 of Village Versova, Oshiwara, Taluka Andheri, M.S.D., ad measuring 670 sq.ft. which is more particularly described at Exhibit A to the Plaint;

4. The Suit is accordingly disposed of. The Notice of Motion No.508 of 2015 also stands disposed of.

(S.J. KATHAWALLA, J.)

"I certify that this Order uploaded is a true and correct copy of original signed order"

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Uploaded on: 4th September, 2015