

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

APPEAL FROM ORDER NO.319 OF 2016

Mohamed Sardar Haji Usman & Ors. .. Appellants
Vs.
Mohd.Sayeed Haji Usman Chawniwala & Ors. .. Respondents

Mr.Ashutosh R.Gole for Appellants.

Mr.D.D.Madon, Senior Advocate i/by Mr.R.D.Suryawanshi for the respondent no.12.

Mr.M.S.Lagu for Respondent no.14.

Mr.Mohamed Mushtaq Mohamed Anwar Nagori @ Chawniwala, appellant no.6- in person and as constituted attorney of the appellant nos.1 to 5 present.

Mr.Karimbhai Maredia, Director of the respondent no.12 present.

CORAM : R.D. DHANUKA, J.

DATE : 5th October 2016

P.C.

. Learned counsel for the respondent no.12, on instructions, states that the respondent no.12 proposes to construct 315 flats in the suit property in addition to the flats and shops which are earmarked for Mumbai Metropolitan Region Development Authority. Statement is accepted.

2. Learned counsel for the respondent no.12 further states that in so far as out of 315 flats, 160 flats are concerned, the respondent no.12 has already issued letters of allotment and/or has entered into the agreements for sale as provided in the list of such 160 flats tendered before this Court. A list tendered by the learned counsel for the respondent no.12 is taken on record and marked 'X' for identification.

3. By consent of the learned counsel for the appellants and the respondent no.12, the following order is passed :-

- i) If any third parties are created by the respondent no.12 in future during the pendency of Special Civil Suit No.724 of 2015 in respect of any part of the suit property, whether by way of letter of allotment or by agreement for sale, the respondent no.12 shall inform such parties about the pendency of Special Civil Suit No.724 of 2015 and that the said transaction will be subject to final outcome of the said Special Civil Suit No.724 of 2015. It is made clear that such information shall be recorded in the said letters of allotment or agreements for sale in future during the pendency of the said suit. All such transactions shall be subject to final outcome of the said suit.
- (ii) The respondent no.12 has also agreed to furnish a list of such letters of allotment/agreements for sale issued in future every quarter to the appellants' advocate without fail.
- (iii) If the appellants apply for inspection of any of the documents entered into between the appellants and the third parties in future, the respondent no.12 shall provide such inspection of documents to the appellants within two months from the date of such application.
- (iv) The defendants who have not filed written statement so far are directed to file written statement within eight weeks from today.
- (v) The plaintiffs are directed to convey this order to the defendants who have not filed written statement till date for compliance.
- (vi) Hearing of the Special Civil Suit No.724 of 2015 is expedited.
- (vii) Learned trial Judge shall make an endeavour to dispose of the Special Civil Suit No.724 of 2015 within two years from the date of communication of this order.

(viii) It is made clear that this Court has not expressed any views on merits of the matter.

(ix) Contentions of both the parties are kept open.

(x) Appeal from order is disposed of in aforesaid terms.

(xi) In view of disposal of the appeal, civil application does not survive and is accordingly disposed of.

(xii) There shall be no order as to costs.

R.D. DHANUKA, J.