

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4117 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Sanskar Marathe, Advocate for Petitioners.

CORAM : R.G.KETKAR,J.

DATE : 15/04/2016

PC:

1. Heard Mr. Sanskar Marathe, learned counsel for the petitioners at length.

2. Leave to amend so as to add in prayer clause (a) for challenging order dated 23.6.2015 below Exhibits 106, 107, 132 and 141 as also order dated 30.1.2016 below Exhibit 156, is granted. Amendment shall be carried out forthwith.

3. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 30.1.2016 below Exhibit 156 in

Regular Darkhast No.12 of 2012 passed by the learned Jt Civil Judge, J.r Dn., Dahanu.

4. By order dated 23.6.2015, the learned trial Judge held that flat at Borivali was agreed to be given to respondent no.2. By order dated 30.1.2016, the learned trial Judge rejected the application made for reviewing order dated 23.6.2015. The learned trial Judge once again held that flat at Borivali was allotted to respondent no.2.

5. Mr. Marathe submitted that flat no.5 was allotted to respondent no.2- Hansraj @ Raju and other sharers who were having 1/5th share in the said flat, were permitted to pay Rs.6000/- each to respondent no.2. Subject to that payment, every one will have 1/5th share in the flat at Borivali. In other words, it is only in the event of other co-sharers not paying Rs.6000/- each to respondent no.2, the said flat was to be given to

respondent no.2. If other sharers were to make payment of Rs.6000/- each, then respondent no.2 and other sharers will have $1/5^{\text{th}}$ share in the said flat at Borivali.

6. In view of the submissions, issue notice to respondents no.1 and 2 for the time being, returnable on 16.6.2016.

7. Till next date, there shall be ad-interim order in terms of prayers clause (d).

(R.G.KETKAR, J.)