

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.611 OF 2015
IN
SUIT NO.1089 OF 2011**

Yogesh S. Bhatia	...	Plaintiff
Versus		
Ashok H. Bhatia and Ors.	...	Defendants
and		
Naresh M. Nayak	...	Applicant

Mr. Ashok Singh with Mr. Rupesh Jaikar, Mr. Mahi Lalka, for Plaintiff.
Ms. Radhika V., for Mr. S.R.Page, for Defendant Nos.10-12.
Mr. Bhavesh Parmar i/by Mr. Vijayprakash Yadav and Mr. Devmani Shukla, for Applicant.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd FEBRUARY, 2016

P.C.:

1. The Court Receiver shall comply with the order dated 04-10-2012 passed by this Court and accept rent from Defendant No.9. According to the Plaintiff, the Defendant No. 9 is in unauthorised occupation of his premises. If the Plaintiff has any grievance qua the occupation of the premises by Defendant No.9, the Plaintiff is granted liberty to take out appropriate proceedings and seek the required reliefs, which shall be decided on merits.

2. There are 31 occupants/tenants in the trust premises. There is some open space in the compound where according to Defendant No.9, four vehicles can be parked. Defendant No.9 seeks permission to park his vehicle in the said compound.

The learned Advocate appearing for the Landlord – Trust has opposed granting of such request on the ground that the trust has never allowed any tenant to park their vehicle/s in the compound. The permission sought cannot be granted because the building is required to have some open space for ingress and egress of individuals and vehicles. Again if four of the tenants are allowed to park their vehicles, there is likely to be a dispute raised by the other tenants for not allowing them to park their respective vehicles to be parked in the compound of the suit premises.

3. The Notice of Motion is accordingly disposed of.
4. The Plaintiff is entitled to take out appropriate proceedings since the Plaintiff contends that the occupation of Defendant No.9 is unauthorized.

(S.J.KATHAWALLA, J.)