

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (L) NO. 972 OF 2016

IN

SUIT (L) NO.272 OF 2016

KAMLESH MEHTA

... PLAINTIFF

VS.

KAMLA LANDMARK REAL ESTATE

HOLDING PVT.LTD.

...DEFENDANT

Mr. Dhiren Shah, Mr. Jayesh Rathod i/b. Dhiren Shah for the Plaintiff.

Mr. Mustafa Kachwala i/b. Kachwala Mishar and Company for the Defendant.

**CORAM: S.J. KATHAWALLA, J**

**DATED: 5TH APRIL 2016.**

**P.C.:**

1. Heard learned Advocates for the Parties and the following order is passed by consent:

i. Without prejudice to its rights and contentions, the Defendant states and undertakes to this Court that pending the hearing and final disposal of the present Suit, the Defendant shall not alienate, part with possession, sell, transfer or encumber or in any manner create any third party rights in respect of the flat admeasuring 1618.37 sq. ft. (carpet area) on the 21<sup>st</sup> floor or on the floor nearest to the 21<sup>st</sup> floor of the 'B' Wing of the building proposed to be constructed by the

Defendant comprising of 4 bedrooms, hall and kitchen (hereinafter referred to as **“the said Flat”**). The undertakings are accepted.

ii. A copy of the proposed floor plan of the 21<sup>st</sup> floor in the proposed building has been tendered by the Defendant. The same is taken on record and marked ‘X’ for identification.

iii. The Defendant agrees and undertakes to give 2 weeks prior notice to the Plaintiffs before submitting any amended plans in respect of the said Flat to any of the sanctioning authorities.

iv. All rights and contentions of both sides on the merits or otherwise are expressly kept open in the present suit.

2. Notice of Motion is accordingly disposed off.

3. Liberty to apply.

( S.J. Kathawalla, J. )