

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (L) NO. 973 OF 2016

IN

SUIT (L) NO.271 OF 2016

DHIREN ARVIND DHANAK AND ORS.

... PLAINTIFFS

VS.

KAMLA LANDMARK REAL ESTATE HOLDING
PVT.LTD.

...DEFENDANT

Ms. Rajani Iyer, Sr. Adv. a/w. Ms. Jenifer Michal, Mr. Dhiren Shah, Mr. Jayesh Rathod i/b. Dhiren Shah for the Plaintiffs.

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 42nd floor or on the floor nearest to the 42nd 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 42nd 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.)