

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 2288 OF 2010  
IN  
SUIT NO. 754 OF 2009**

Rohit P. Shah & Anr. .. Plaintiffs  
Vs.  
Devesh Narendra Jani & Ors. .. Defendants

Mr.S.V.Doijode a/w. Ms. Taruna Nagpal i/b Doijode Associates for plaintiff.

Ms.Manisha Virkhare a/w. Ms.Archana Karmokar i/b M/s. Divya Shah Associates for defendant no.1.

**CORAM : K.R.SHRIRAM, J.  
DATE : 15<sup>TH</sup> NOVEMBER, 2016**

**P.C.**

1 This notice of motion is to order and direct defendant no.1 to forthwith comply with the order of this Court dated 27<sup>th</sup> August 2009 by handing over to the plaintiff possession of Flat No.502 in the new building known as “Sterling Heritage” on Plot No.388, C.S. No.354/10, situated at Shankar Mattham Road, Matunga, Mumbai – 400 019.

2 The counsel appearing for defendant no.1 states that the plaintiff has already been put in possession of the suit flat. The plaintiff confirms the same. Therefore, when we look at the reliefs sought, nothing remains in the notice of motion. At the same time, the plaintiff states that defendant no.1

has, despite the order passed by this Court on 27<sup>th</sup> August 2009 and after putting the plaintiff in possession, has written to the Society that the flat No.502 actually belongs to him and has, in the Form of Resolution electing a Chief Promoter shown himself as the owner of flat No.502. In view of the order passed on 27<sup>th</sup> August 2009 and the fact that the possession has been handed over to the plaintiff, in my view, defendant no.1 is not entitled to claim himself to be the owner of Flat No.502. The society to act accordingly.

3      The notice of motion stands disposed.

Parties to act on a copy of this order duly authenticated by the Associate of the Court.

**(K.R. SHRIRAM, J.)**