

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

SUIT NO.1028 OF 2015

Aspi Deboo	...	Plaintiff
Versus		
Bhupendra S. Solanki and Ors.	...	Defendants

Mr. Maaz Hashmi with Ms. Shaista Pathan i/by M/s. Yusuf and Associates, for Plaintiffs.

Mr. Zal Andhyarujina with Mr. Punit Damodar, Ms. Nikita Vardhan i/by M/s. Kanga and Co., for Defendants.

Ms. Snehal Modi, for Ms. Pratima Chakravarthy.

CORAM: S.J. KATHAWALLA, J.

DATE: 23rd FEBRUARY, 2016

P.C.:

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

(i) The Plaintiff undertakes to deposit an amount of Rs.9,51,00,000/- with the Prothonotary and Senior Master of this Court on or before 10th March, 2016. The undertaking is accepted.

(ii) The Plaintiff also undertakes to deposit an amount of Rs.9,50,000/- with the Prothonotary and Senior Master of this Court on or before 10th March, 2016, being brokerage payable to M/s. Ajmera Properties. The undertaking is accepted.

(iii) In the event of the failure on the part of the Plaintiff to deposit the said amount as undertaken in Clauses (i) and / or (ii) above, the Suit shall forthwith stand

dismissed without reference to this Court.

(iv) Upon the Plaintiff depositing the said amounts of Rs.9,51,00,000/- as well as the amount of Rs.9,51,000/- with the Prothonotary and Senior Master on or before 10-03-2016 as undertaken, the Defendants and the occupant Ms. Pratima Chakravarthy, who is present in Court, undertakes to handover vacant and peaceful possession of the Suit flat to the Plaintiff on or before 22nd April, 2016. However, in view of the request made by Ms. Pratima Chakravarthy, it is clarified that a further grace period of one week shall be granted to Ms. Chakravarthy to vacate the premises if absolutely necessary. Ms. Pratima Chakravarthy undertakes not to seek further time under any circumstances. The undertakings are accepted.

(v) In the event of Ms. Pratima Chakravarthy failing to vacate the Suit flat on or before 22nd April, 2016 or within a week thereafter, the Court Receiver, High Court Bombay shall stand appointed as Receiver in respect of the Suit flat with power to take forcible possession of the Suit flat from Ms. Pratima Chakravarthy and to handover the same to the Plaintiff.

(vi) Upon Ms. Pratima Chakravarthy handing over possession of the Suit flat, the Prothonotary and Senior Master shall forthwith handover a sum of Rs.4,00,00,000/- (Rupees Four Crores only) to Ms. Pratima Chakravarthy and pay the balance of Rs.5,51,00,000/- to Defendant Nos.1 to 3 equally and an amount of Rs.9,51,000/- to the broker - M/s. Ajmera Properties.

(vii) The parties shall complete the work of preparing and executing the documents prior to handing over possession of the Suit flat to the Plaintiff.

(viii) The Suit is accordingly disposed of. Refund of Court Fees, if any, as per rules.

(S.J.KATHAWALLA, J.)