

redevelopment right from /with consent of the Society i.e. Vartak Nagar CHS and Vartak Nagar Lucky Star CHS in respect of Building No.19 and 20, and developing the said property (the “Subject Project”) , Fortune will allot to Plaintiff one flat admeasuring 45 sq. mtr i.e. approximately 485 sq. ft. carpet area in the proposed building to be constructed in place of Building No.19 and 20 on land bearing Survey No.207, 208 situated at Vartak Nagar, Village Majiwada, Taluka and District Thane.

3. Such allotment will be made after amendment of existing plan but shall not be contingent upon such amendment being made or granted. Fortune to execute all necessary papers, documents etc. regarding the handover of the flat. The appropriate document being Sale Deed to be executed in respect of aforesaid flat in favour of the Plaintiff. However, it is made clear that the Plaintiff herein will bear and pay stamp duty and Registration charges, VAT, Service Tax and all other amount liable to be paid to various Authorities for Allotment of said flat as well as share Application money and advance maintenance charges, water/electricity deposit and other charge like other flat purchasers.

4. It is made clear that Fortune’s obligation to provide the aforementioned flat is only dependent upon it carrying out the said development. In the event that the development cannot be carried out, Fortune will not bear liability.

5. Liberty to apply in the event the above arrangement cannot fructify for any reason.

6. In view of the above, the Suit as well as Notice of Motion are disposed
of.

(S.J.KATHAWALLA, J.)