

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.618 OF 2017
IN
WRIT PETITION NO.11109 OF 2016**

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Applicant**

In the matter between

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Petitioner
Versus
Aditya Shagun Phase No.3 Sahakari
Gruharachna Sanstha Maryadit & ors. : Respondents.**

**ALONG WITH
CIVIL APPLICATION NO.619 OF 2017
IN
WRIT PETITION NO.11111 OF 2016**

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Applicant**

In the matter between

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Petitioner
Versus
Aditya Shagun Phase No.2 Sahakari
Gruharachna Sanstha Maryadit & ors. : Respondents.**

**ALONG WITH
CIVIL APPLICATION NO.620 OF 2017
IN
WRIT PETITION NO.11113 OF 2016**

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Applicant**

In the matter between

**M/s. Kataria Shevani Developers
Through its Partners
Rajkumar Pamandas Shevani and anr. : Petitioner**

**Versus
Aditya Shagun Phase No.1
(Building Nos.A-2, B-7, B8, B-5, B-6
and C1) Sahakari
Gruharachna Sanstha Maryadit
Through Chairman/Secretary
Shekhar Karkhanis & ors. : Respondents.**

**Ms. Manjiri Parasnis for the Applicant.
Mr. A Y Sakhare, Senior Advocate i/by Mr. Nilesh Pote for the Respondent
No.1**

**CORAM : R. M. SAVANT, J.
DATE : 19th APRIL 2017**

P.C.

1 The above Civil Applications have been filed for the following
reliefs :-

“(a) This Hon'ble Court may be pleased modify/clarify the Order dated 2.03.2017 passed by this Hon'ble Court (Coram: R. M. Savant, J) in Writ Petition Nos.11109 of 2016 and be pleased to grant stay to the impugned judgment and order dated 31.08.2016 passed by the Respondent No.98 in Deemed Conveyance Application No. DC 1001933/2015 to the extent of Vacant land and Amenity Plot Nos.1 & 2.

(b) This Hon'ble Court may be pleased to restrain the Respondent No.1, its members, servants, or any other person claiming through or under them from obstructing the Applicant from carrying out the

construction of the FSI to the extent of 1610.74 sq.mtrs. And the Amenity Plot No.1 admeasuring 1550.04 sq.mtrs.”

2 The above Writ Petitions have been admitted by the order dated 02/03/2017 and interim reliefs to the extent mentioned in clause (2) of the said order came to be granted to the Petitioners. It is on account of the supervening events which have transpired after the interim reliefs were granted vide the said order dated 02/03/2017 that the cause for filing the above Civil Applications has arisen for the Petitioners. Pursuant to the hearings which have taken in respect of the above Civil Applications, the learned counsel for the Petitioners Ms. Majiri Parasnis tenders the undertaking of the Petitioner filed through Rajkumar P Shewani – the partner of the Petitioner, the sum and substance of which is that the construction being put up on the vacant land in the layout bearing Survey No.5 (Part) situated at Mouje Bavdhan Khurd, Pune shall be limited to the extent of FSI 1610.74 sq.mtrs (less the area utilized towards the regularization of three flats).

3 The three Respondents Societies have also filed their undertakings through their respective chairman/treasurer in which undertakings the Respondent No.1 Societies have undertaken to abide with and not to obstruct construction being put up by Petitioners herein on vacant land in layout bearing survey No.5 (part) situated at Mouje Bavdhan Khurd Pune as per the order dated 02/03/2017 passed by this Court. With respect to FSI which

extend to 1610.74 sq.mtrs only subject to right of the Respondent No.1 Society to challenge the said order dated 02/03/2017 before the Apex Court.

4 In view of the mutual undertakings given by the parties, the need to consider the reliefs sought vide the above Civil Applications has been obviated. By taking the undertakings on record, the above Civil Applications are disposed of.

[R.M.SAVANT, J]