

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 854 OF 2014
WITH
CIVIL APPLICATION NO. 1031 OF 2014

AND

APPEAL FROM ORDER NO. 855 OF 2014
WITH
CIVIL APPLICATION NO. 1030 OF 2014

Mukesh R. Dedhia

.. Appellant

vs.

Efficient Developers and anr.

.. Respondents

Mr. V.V. Parshurami for the Appellant.

Mr. N.G. Helekar for Respondent No.1.

Ms Sharmila Deshmukh for Respondent No.2.

CORAM : M. S. SONAK, J.

DATE : 15 FEBRUARY 2017.

P.C. :-

1] The challenge in these appeals is to the order dated 18 February 2014. In the light of certain subsequent developments, the contesting parties, i.e., appellant and respondent No.1 agree that these appeals can be disposed of with the following order:

a] This court notes that respondent No.1 has already allotted to the appellant permanent alternate accommodation and the appellant is in possession of such permanent alternate accommodation;

b] In turn, the appellant has handed over the possession of the transit accommodation to respondent No.1 which has demolished the same;

c] The appellant and respondent No.1 shall sign and execute the agreement in respect of permanent alternate accommodation within a period of four weeks from today. The stamp duty charges as well as electricity meter charges shall be borne by respondent No.1. However, it is made clear that the signing and execution of such agreement by the parties shall be without prejudice to their respective rights and contentions in the pending suit. All contentions of all parties in this regard are therefore, specifically kept open to be determined in the suit;

d] From the date of signing and execution of the agreement, however, the appellant shall bear society maintenance and other charges which go with occupation of permanent alternate accommodation, i.e., premises Nos.9 and 10 in the newly constructed building (Rainbow Heights);and

e] Both the appeals are therefore, disposed of in the aforesaid terms.

2] The pending civil applications in these appeals do not survive and the same are also disposed of.

(M. S. SONAK, J.)

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