

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.625 OF 2017
WITH
CAA/790/2017**

Shri Chandramani Janardan Dolas ... Appellant
Vs.
Maharashtra Housing & Area
Development Authority ... Respondent

Ms.Sunita Poddar with Khan Farhana i/b Seema Singh for the
Appellant
Mr.R.D. Kamble for Respondent No.4
Mr.R.M. Vanoo for Resp. No.5

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: OCTOBER 11, 2017

P.C.:

1. Today, the learned Counsel for the appellant submits that they do not want any money as offered by respondent No.5 but they want only the premises which is mentioned in the order dated 1.9.2017. She submits that only if the said premises are provided, the appellant is ready to shift.

2. The learned Counsel for Respondent No.5 submits that the premises which is mentioned in the order dated 1.9.2017 was the premises which respondent No.5 / Developer had enquired with the owner, who was ready to let the same on leave and licence.

However, in between due to lapse of time, the owner has given that premises on leave and licence basis to some other party and, therefore, the said premises, as on today, is not available to be offered to the appellant. He submits that the appellant was offered another premises, however, it was not suitable to the appellant. Therefore, in between, by way of an alternate arrangement, the Developer had offered Rs.20,000/- to both the claimants i.e., the appellant and Respondent No.4. Respondent No.4 is at present jointly occupying the suit premises with the appellant. As per the order of the trial Court in the Notice of Motion, respondent No.4 is ready to accept Rs.8,000/- out of Rs.20,000/- and to vacate the premises as the work of redevelopment of the entire building is stalled. The learned Counsel for Respondent No.5 submits that 44 tenants are out of the building, who have vacated the building and the work of development of the building is stalled only because the appellant is not ready to vacate the suit premises because he wants the premises, which is mentioned in order dated 1.9.2017 of this Court. The appellant agrees that the premises mentioned in the draft supplementary agreement which was accepted by the trial Court and the premises mentioned in the order of this Court dated 1.9.2017 is one and the same.

3. Considering these developments and as this Appeal from Order is disposed of already, no further clarification or modification is necessary. However, the parties to go before the trial Court as the suit is pending and make further submissions.

(MRIDULA BHATKAR, J.)