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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1070 OF 2014
WITH
CIVIL APPLICATION NO. 1294 OF 2014

Priya Hiroo Wadhwani ...Appellant
Versus
Shrinivasa (Mulund) Coop Hsg Soc Ltd & Anr ...Respondents

Mr Kantilal H Kanojia, *for the Appellant.*
Mrs Vaishali Bhilare, *for Respondent No. 1*
Mr Meelan Topkar, *for Respondent No. 2.*
Mr Hiroo Wadhwani, *Appellant present in person.*

CORAM: G.S. PATEL, J
DATED: 19th June 2017

PC:-

1. The Appellant is the original Plaintiff. On instructions from Priya Hiroo Wadhwani, Appellant, who is personally present in Court, Mr Kanojia states that the Appellant will vacate Unit/Flat No. 8, Srinivasa (Mulund) Coop Hsg Soc Ltd., Navghar Road No. 1, Mulund (East), Mumbai 400 081 on or before 14th July 2017 and will move into transit accommodation.

2. The 2nd Defendant (2nd Respondent to the Appeal) will execute the necessary accommodation agreement with the

Appellant on or before 13th July 2017. The Appellant will cooperate with the 2nd Defendant and the 1st Defendant in having this agreement registered.

3. It is clarified that the Appellant will be entitled exactly to the same benefits as are available to all other members of the 1st Respondent-Society. It is made absolutely clear that as regards transit rent, the Appellant will only be entitled to this from the date she hands over possession and until such time as she is put in possession of her freshly allotted flat in the reconstructed building.

4. Parties are agreed that this will dispose of the suit itself.

5. I am informed that the matter is before the City Civil Court today. Parties will request an adjournment till 22nd June 2017. They will appear before the learned Judge on that date and the Plaintiff will formally make an application for withdrawal of the Suit. It will be granted by the Trial Court without any order of costs.

6. Liberty to the Defendants to apply in case the Appellant does not vacate by the scheduled date.

7. The Appeal from Order and the Civil Application are disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)