

Arvind G. Naik and Ors. ... Plaintiffs
versus
New D.N.Nagar Co-op. Hsg. Societies
Union Ltd. and Ors. ... Defendants

Mr. R.S.Ghadge i/by Mr. A.S.Desai, for Defendant No.1.

Mr. Nikhil Sakhardande with Mr. Denzil Arabhan, Ms. Vedangi Tulzapurkar, Ms. Apeksha Munot i/by M/s. Wadia Ghandy and Co., for Defendant No.3.

Ms. Aparna Muralidharan i/by Mr. P.G.Lad, for Defendant Nos.4 to 6.

CORAM: S.J. KATHAWALLA, J.

DATE: 11th APRIL, 2017

P.C.:

1. Perused the Notice of Motion and the Affidavit in support thereto.
- The main grievance of the Applicants/Plaintiffs is that the developer has constructed only 420 flats instead of 480 flats agreed to be constructed. The learned Advocate for the Developer i.e. Defendant No.3 states on instructions that the developer has already constructed 480 flats as per the sanctioned plan and the apprehension of the Applicants/Plaintiffs is misplaced. The statement is accepted. The Defendant No.3 shall within a period of one week from today forward a copy of the sanctioned plan to the Advocate for the Plaintiffs. The learned Advocate for the Society states that they

shall disburse to its members the compensation received from the the builder towards temporary alternate accommodation as per the order passed by this Court dated 06-12-2013. The statement is accepted. The Applicants/Plaintiffs shall visit the Office of the Society and get their earlier share certificates exchanged in lieu of new share certificates with prior notice.

2. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)