

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

**SUIT (L) NO.58 OF 2017
WITH
NOTICE OF MOTION (L) NO.56 OF 2017**

Siddharth Jain ... Plaintiff
versus
M/s. A. Surti Developers Pvt. Ltd. ... Defendants

Mr. Viral Shukla with Ms. Priti Patel i/by M/s. Shukla and Associates, for Plaintiff.
Mr. A.A.Kumbhakoni, Senior Advocate with Mr. Shardul Singh i/by Mr. Akshay Shinde, for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd MARCH, 2017

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. This Application is for Speaking to the Minutes of the Order dated 1st March, 2017.
3. The Order passed in Suit (L) No.59 of 2017 along with Notice of Motion (L) No.57 of 2017 dated 1st March, 2017 is recalled and the following order is passed in the above Suit as well as in the Notice of Motion :

"1. The learned Advocate for the Defendant undertakes to file Vakalatnama within a period of one week from today. The undertaking is accepted.

2. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Defendant agrees and undertakes to this Court to provide/handover flat Nos. D-201 and D-203 totally admeasuring 925 sq.ft. (carpet) (the said flats) shaded in yellow on a plan which is taken on record and marked 'B' for identification, to the Plaintiff and his mother jointly within a period of three years from the date of this order.

(ii) The amount payable per sq.ft. by the Plaintiff and his mother would be Rs.15,500/-.

(iii) The amounts earlier paid by the Plaintiff and his mother shall be deducted/adjusted from the total sale consideration payable by the Plaintiff and his mother to the Defendant.

(iv) The Defendant shall not sell, alienate, encumber, part with possession and/or create third party rights in respect of the said flats.

(v) The balance amount payable to the Defendant shall be paid by the Plaintiff phase wise and on written demand as provided in the written Agreement between the parties.

(vi) In view of the above, the Suit as well as Notice of Motion is disposed of. Refund of Court Fees, if any, as per rules.

(vii) Liberty to apply. "

4. Application for Speaking to the Minutes is accordingly disposed of.

(S.J.KATHAWALLA, J.)