

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL (L.) NO.289 OF 2018
IN
NOTICE OF MOTION (L.) NO.1012 OF 2018
IN
SUIT (L.) NO.537 OF 2018
WITH
NOTICE OF MOTION (L.) NO.632 OF 2018**

Siroya FM Construction Pvt. Ltd. & Ors. ...Appellants
Vs.
Shankar Deep Co-operative Housing Soc.Ltd. & Anr. ...Respondents

Mr.Mukesh Vashi, Senior Advocate, with Ms.Prachi Khandge i/b.
M/s.M.P. Vashi & Associate for Appellants.
Mr.Sharan Jagtiani with Mr.Kaushal Thakkar for Respondent No.1.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.**

DATE : 2nd JULY 2018

P.C.:

Heard. Perused the record and the impugned order.

2. The learned Counsel for the appellants submits that this appeal arises out of the ad-interim order.

3. The respondents are in possession of the subject property since the year 2013. We find that the society members are suffering due to non-payment of property taxes. It is informed that they are senior

citizens. There is a liability of Rs.65,22,675/- payable to the Municipal Corporation.

4. Taking into consideration the relevant facts and circumstances of the case, the learned Single Judge has directed the appellants herein to deposit the amount.

5. After considering the submissions advanced on behalf of the contesting parties, we find it appropriate to pass following order modifying the order passed by the learned Single Judge:-

ORDER

- i. The appellants shall deposit Rs.45 Lakhs within three weeks and the remaining amount of Rs.20,22,675/- shall be contributed by the Society/members;
- ii. This arrangement is made without prejudice to the rights and contentions of the contesting parties;
- iii. In case the above arrangement is not complied with by the appellants herein, the ad-interim arrangement shall stand vacated and the impugned order passed by the learned Single Judge would be operational. In case of compliance, the impugned order would get modified accordingly.

The learned Senior Advocate Mr.Vashi on instructions submits that he would make necessary application for water connection to the Municipal Corporation.

We have not addressed any issue including the issue raised by the learned Counsel Mr.Jagtiani for respondent No.1 in respect of a new bill of Rs.9 Lakhs, which issue would be considered by the learned Single Judge at an appropriate stage.

iv. All the rights and contentions of the parties are kept open in the proceeding pending before the learned Single Judge.

v. The appeal stands disposed of.

vi. In view of disposal of the appeal, notice of motion No.632 of 2018 does not survive. It is accordingly disposed of.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]