

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10870 OF 2016

Paresh Ratilal Panchamatiya

...Petitioner

Vs.

The City and Industrial Development
Corporation and Ors.

...Respondents

Mr. Bhushan Walimbe for the Petitioner in both petitions.

Mr. B.B. Sharma for the Respondent Nos.1 to 4.

**CORAM : B. P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : 15th NOVEMBER 2019.

PC.:

1 The vendor of petitioner viz. Ganpat Thakar had agreed to sell retainable portion to present petitioner out of 12.5% Scheme. The petitioner and said Ganpat compromised civil suit and the consent decree has been obtained by the petitioner on 8th September 2007. He is trying to execute that decree.

2 CIDCO has on 13th February 2015 informed the petitioner that on very same land one Udyam Ramakant Sawant has also obtained some consent orders.

3 According to the petitioner in SCS No.172 of 2011 filed by Udyam R. Sawant, decree, if any, is of the year 2011, the petitioner's decree

being first in point of time should have been implemented and executed. The learned counsel also adds that in other similar matters CIDCO has adopted this course of action.

4 The counsel for the respondents states that it was not party to consent terms entered into between the petitioner and Ganpat. They submit that though CIDCO was initially joined as party to suit, at the stage of compromise, it was dropped.

5 The other decree-holder viz. Udyam R. Sawant is not party to this petition. We are not shown decree obtained by him.

6 We therefore find material insufficient on record to take any decision in the matter.

7 Hence, with liberty to take such other steps as are open in the law to the petitioner, we dispose of the petition.

(SMT. SADHANA S. JADHAV, J.)

(B. P. DHARMADHIKARI, J.)