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

COMMERCIAL ARBITRATION PETITION (L) NO. 124 OF 2019

M/S Nivara Infra Developers LLP ... Practitioners.
V/s.
Vithoba Gopal sethi and 3 ors ... Respondents

- Mr. Mayur Khandeparkar with Mr. Sandeep V. Mahadik, for the Petitioner.
- Mr. Pradeep Havnoor i/by Devashree Raut for respondent Nos. 1 to 3.
- Mr. Abhishek A. Walawalkar, for respondent No.4.

CORAM : G. S. KULKARNI, J.

DATE : 8th MARCH, 2019.

P.C. :

1] After this petition was extensively heard on the earlier occasion, today learned counsel for the respondent Nos. 1 to 3, on instructions, from his clients who are present in the Court, makes statement that respondent Nos. 1 to 3 are agreeable to hand over the vacant and peaceful possession of garage as also of flat Nos. B-9 & B-12 to the petitioner on or before 18th March, 2019. Statement is accepted. Thus, the petition can be conveniently be disposed of in view of this consensus by the following order.

Order

I) Respondent Nos. 1 to 3 undertakes to hand over the vacant

and peaceful possession of the garage as also of flat Nos. B-9 and B-12 to the petitioner on or before 18th March, 2019.

II) The petitioner shall provide respondent Nos. 2 and 3 all the benefits and entitlements, at par with the other members of the society as per the terms and conditions of the development agreement dated 14.1.2019.

III) In regard to the respondent No.1's claim for permanent alternate area in lieu of Garage No.1, respondent No.1 is at liberty to initiate appropriate proceedings, as may be permissible in law.

IV) All contentions of the parties in that regard are expressly kept open, to be agitated in the appropriate proceedings which may be filed by respondent No.1.

V) The petition is accordingly disposed of in above terms.

VI) No costs.

[G. S. KULKARNI, J]