

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

NOTICE OF MOTION NO.930 OF 2019

IN

SUIT NO.1351 OF 2018

Divya Naresh Vasawani Plaintiff

Vs.

Parsaram Lakhani and Ors. Defendants

Mr. Ajay More i/b. Mr. Siddhesh S. Bhole for plaintiff.

Mr. Zubin Beharamkamdin a/w. Ms. Radha Ved i/b. Divya Shah Associates
for applicants/defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 12th APRIL 2019

P.C.:

1 Mr. Beharamkamdin, counsel for defendants states that on 23rd October 2018 consent terms were entered into whereby the suit flat was agreed to be sold and the sale proceeds were to be distributed in the proportion mentioned in paragraph 4 of the consent terms. There was a base price of Rs.8 Crores and Mr. Nishit Dave, a Broker was appointed to get prospective purchasers and his remuneration also fixed at 1% of the sale consideration.

2 Mr. Beharamkamdin states that almost 7 months have passed since then and there is no party which is willing to offer Rs.8 Crores. Mr. Beharamkamdin states that defendants had taken out a notice of motion for modification of the consent terms. Mr. More, counsel for plaintiff wanted to file a reply to the notice of motion.

3 In my view, these are two clauses which does not require a detailed hearing and affidavits in reply to be filed. The reason why I am saying is the broker need not be restricted to just one broker. Plaintiff and defendants may engage as many brokers as they want so that the best price is obtained. One person may have limited contacts but if there are many brokers involved, the word is spread more and more prospective purchasers can be attracted. As regards the base price is concerned, in my view, the amount indicated in the consent terms will certainly be kept in mind before the Court approves any sale. The Court will consider whether to accept the offer depending on the various offers received to understand what is the optimum price.

4 In view of the above, Mr. Beharamkamdin seeks leave to withdraw the notice of motion no.930 of 2019.

5 Notice of motion dismissed as withdrawn. Liberty to apply.

6 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)