

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

NOTICE OF MOTION NO.1168 OF 2019

IN

SUIT NO.109 OF 2018

Rahul Sharma)....Applicant/Plaintiff

V/s.

Rajesh Estates & Nirman Pvt. Ltd.)....Defendant

Mr.Swanand Ganoo a/w Mr.Mohammed Wasim Qureshi I/by Rajesh Ravindran for the applicant/plaintiff.

Mr.Shanay Shah a/w Ms.Yogini Gada I/by Rohit Shetty for defendant.

CORAM : K.R.SHRIRAM,J

DATE : 30.4.2019

P.C.:-

1. After the Notice of Motion was heard for some time, Mr.Ganoo for the applicant/plaintiff stated that plaintiff will take possession of the suit flat but will not execute the indemnity that defendant is calling upon plaintiff to execute.

2. Mr.Shah for defendant states that defendant will hand over possession and will not insist on plaintiff signing the indemnity. At the same time, defendant will raise all defences and claims at the hearing of the suit.

3. Mr.Ganoo states that plaintiff is ready to take possession even tomorrow and from the date possession is taken, plaintiff will pay all property taxes to the Municipal Corporation.

4. All statements accepted as undertakings to this Court.

5. Mr.Ganoo states that plaintiff shall not make any structural changes in the said flat.

Mr.Shah states that all other property taxes upto the date of possession will be paid by defendant and if, as per the contract, defendant is entitled to recover the same from plaintiff or part thereof, defendant may file Counter claim for the same.

6. All rights and contentions of parties are kept open. For completion of record, registry to take on record the reply being filed by defendant.

7. Notice of Motion disposed accordingly.

(K.R.SHRIRAM,J)