

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

**NOTICE OF MOTION NO. 1527 OF 2013
IN
SUIT NO. 696 OF 2013**

Riddhi Apartment CHS Ltd.Plaintiff
V/s.
M/s. Dipti Builders and ors.Defendants

**WITH
NOTICE OF MOTION NO. 1623 OF 2013
IN
SUIT NO. 696 OF 2013**

Riddhi Apartment CHS Ltd.Plaintiff
V/s.
M/s. Dipti Builders and ors.Defendants

Mr. P.M. Shah a/w. Ms. Meetal Savla for the plaintiff.
Mr. Ashok Kumar Singh for defendant no.2.
Mr. Adil Mirza I/b. A.A. Mirza for defendant no.7.
Mr. R.Y. Sirsikar for defendant no.9 – MCGM.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 05th APRIL, 2019.**

P.C.:

. At the outset, Mr. P.M. Shah, the learned counsel for the plaintiff states that he is only pressing for prayer clause (a) and (b) in Notice of Motion No.1623/2013 and prayer clause (a) in Notice of Motion No.1527/2013 and at this stage, he does not wish to press for the other reliefs.

2. By order dated 12/03/2013 in Notice of Motion (L) No.423/2013 i.e. Notice of Motion No.1623/2013, this Court had granted ad-interim relief in terms of prayer clause (a) of the Notice of Motion No.1623/2013. Subsequently, by order dated 04/04/2014, this Court had accepted the undertaking given by defendant no.7 that he would not use the set back area, the FSI available of the said set back area. During the pendency of the 1st Notice of Motion, the plaintiff filed the 2nd Notice of Motion No.1527/2013 apprehending that the defendant no.7 would demolish the compound wall.

3. Today, when the matter was called out, Mr. Adil Mirza, the learned counsel for the defendant no.7, under instructions from the defendant no.7 makes a statement that he will abide by the undertaking given by the defendant no.7 on 04/04/2013 and that the defendant no.7 shall not demolish the compound wall till the disposal of the suit. The statement is accepted as an undertaking given to the Court.

4. The learned counsel for the Corporation states that the Corporation has not received any proposal for layout approval i.e. subdivision of plot for Building no.1 and Building no.2 along with the required proportionate R.G. He has placed on record correspondence

in this regard, received from Asstt. Engineer (B.P.) 'P' Ward. The same is marked 'X' for identification.

5. In the light of statement made by the learned counsel for defendant no.7 as well as by the learned counsel for the Corporation, Notice of Motion No.1623/2013 is made absolute in terms of prayer clause (a) and (b) and Notice of Motion No.1527/2013 is made absolute in terms of prayer clause (a).

6. Notice of Motion Nos.1527/2013 and 1623/2013 stand disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)