

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

NOTICE OF MOTION (L) NO.167 OF 2019

IN

SUIT (L) NO.1353 OF 2018

Reuben A Choramble and Ors.

....Applicants/Plaintiffs

Vs.

Vedhas Realtors Pvt. Ltd. and Ors.

....Defendants

Mr. Pramod Bhosle a/w. Mr. Rayyan Nasir I/b. S.K. Bhosle for applicants/
plaintiffs.

Mr. Karl Tamboly I/b. Mr. Sanjay Sinha for defendant nos.1 and 2.

Mr. Dinesh Thapar, defendant no.2 present in person.

Mr. Mahesh Menon for defendant no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 22nd JANUARY 2019

P.C.:

1 After the notice of motion was heard for some time, defendant no.2, who is present in Court, personally undertakes on behalf of himself and on behalf of defendant no.1 and all its directors that the building to be redeveloped will be completed in all respects and atleast part OC for the retained premises will be obtained within 42 months of plaintiffs vacating their respective premises. Mr. Tamboly, counsel for defendant nos.1 and 2 states that part “retained premises” means the premises to be given to the present members of the society. Defendant no.2 further states that he shall not seek extension on the ground that some other members have not vacated their respective premises and so long as plaintiffs vacate their respective premises, the 42 months period from the time the last of the plaintiff vacates will be maintained.

2 The statement of defendant no.2 for himself and on behalf of defendant no.1 and all its directors is accepted as an undertaking to this Court.

3 The undertaking of plaintiffs to co-operate with defendants and sign all agreements at the time and date appointed is accepted.

4 Mr. Menon, counsel for defendant no.3, at this stage states that the time fixed for signing supplemental agreement is today. Mr. Bhosle states that his clients will remain present at the office of Sub Registrar of Assurances, Chembur and admit the execution.

5 In view of the undertaking recorded above, Mr. Bhosle, on instructions seeks leave to withdraw the suit and the interim application.

 The undertakings shall continue notwithstanding the withdrawal of the notice of motion and the suit.

6 Suit as well as notice of motion stand dismissed as withdrawn. Refund, if any, of court fees in accordance with rules.

7 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)