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

NOTICE OF MOTION NO.863 OF 2019
IN
SUIT NO.66 OF 2018

Anil Shah ….Applicant/Plaintiff

Vs.

Uday Shankar Zaoba and Ors. ….Defendants

Dr. V. G. Bhartu I/b. Ms. Mona D. Vyas for applicant/plaintiff.
Mr. Nigel Quraishy I/b. Mr. Abhijeet A. Joshi for defendant nos.1, 2, 3 and 9.

CORAM : K.R.SHRIRAM, J.
DATE : 8th JULY 2019

P.C.:

1 There is already a status quo order passed. Mr. Quraishy, counsel for defendant nos.1 to 3 and 9 states that they had agreed for status quo because there was a confusion as to what should be the actual area that plaintiff was entitled to.

2 Plaintiff is relying on minutes of order that was taken on record on 21st March 2018. As per the minutes of order, plaintiff was entitled to as many number of premises as certified by MHADA against the name of plaintiff, not exceeding three in number admeasuring 400 sq. ft. carpet area each by way of permanent alternate accommodation in the proposed new rehabilitation building alongwith such parking spaces in respect of the same as are permissible under the Development Control Regulations. Plaintiff was also entitled to an additional 1500 sq. ft. carpet area. The dispute is

restricted to what was meant by 400 sq. ft. carpet area each by way of permanent alternate accommodation, not exceeding three in number.

3 Plaintiff is seeking that plaintiff is entitled to 400 sq. ft. carpet area as agreed in minutes of order and additional 140 sq. ft. carpet area towards fungible area free of FSI permissible over and above the carpet area under the Development Control Regulations.

4 Mr. Quraishy states that plaintiff will certainly be given three tenements as agreed in the minutes of order as alternative accommodation of 400 sq. ft. each carpet area and the carpet area will be as defined under Section 2(k) of the RERA Act.

5 Defendant nos.1, 2, 3 and all partners of defendant no.9 shall each give an undertaking, either separately or one common undertaking signed by all, that they shall strictly and meticulously comply with the minutes of order and that they shall give plaintiff three tenements with minimum 400 sq. ft. carpet area and the carpet area will be as defined under the RERA Act.

6 Upon giving this undertaking to the satisfaction of the Prothonotary and Senior Master, High Court, Bombay, the status quo will stand vacated.

7 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)