

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 147 OF 2021
WITH
INTERIM APPLICATION NO. 1577 OF 2021**

Bakulchandra Jayantilal Kothari ... Appellant

V/s.

Dinesh A-Gandhi & Ors. ... Respondents

Mr.Mayur Khandeparkar i/b. Mr.Dipesh U. Siroya for Appellant.
Mr.Yadunath Choudhari a/w. Mr.Hassan Khan for Respondent No.4.
Mr.Rajesh G. Singh i/b. Ms.Nidhi Singh for Respondent Nos.5(a) to 5(c).

CORAM : A.S. GADKARI, J.
DATE : 10th August 2021.

PC. :

1. The operative part of the impugned Order dated 18th March 2021 reads as under :-

- “1. The Notice of Motion No. 702/2020 is partly allowed.*
- 2. Flat No.802, 8th floor, plot no.446, Kasar Horizon, Dr.Babasaheb Ambedkar Road, Matunga, Mumbai-19 be treated as TAA (Temporary Alternate Accommodation) till decision of the suit.*
- 3. Defendant no.4 and defendant nos.5 (a) to 5 (c) are hereby allowed to shift furniture and fixtures of room no.9 and any other material, if any, lying in TAA on rent, to new TAA (till decision of the suit), flat no.802,*

in the presence of the plaintiff or representative and keys of new TAA Flat no.802 be kept with defendant no.4.

- 4. Defendant no.4 is directed to give keys to defendant no.5 (a) to 5 (c) as and when required and inform to the Court accordingly.*
- 5. As TAA is allotted to defendant nos.5 (a) to 5 (c) by taking it on leave and license by defendant no.4 and defendant no.4 is paying the rent and now directed to shift in new TAA, there is no need to deposit the rent by defendant no.4 in respect of TAA, in the Court and to that extent order dated 29.01.2016 is hereby modified accordingly.*
- 6. The Notice of Motion No.702/2020 stands disposed of accordingly.”*

2. Prima-facie it appears to this Court that, the said impugned Order dated 18th March 2021 is self eloquent and needs no further clarification of it.

Despite the said fact, Mr.Singh, learned counsel appearing for the Respondent Nos.5(a) to 5(c), on instructions from his clients, fairly made a statement that, the Respondent Nos.5(a) to 5(c) will not occupy the said premises mentioned in operative part of the said Order dated 18th March 2021 and will scrupulously adhere to the directions issued by the Trial Court

therein. The said statement made by the Respondent Nos.5(a) to 5(c) is accepted.

3. In view of the categorical statement made by the Respondent Nos.5(a) to 5(c), nothing further survives in the present Appeal.

Appeal from Order is accordingly disposed off in the aforesaid terms.

4. In view of disposal of Appeal from Order, Interim Application No.1577 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date: 2021.08.11
17:30:12 +0530