

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

INTERIM APPLICATION NO.73 OF 2019

IN

NOTICE OF MOTION NO.1129 OF 2016

IN

SUIT NO.334 OF 2016

Girnar Residency CHSL (Proposed) & Ors. .. Applicants/Plaintiffs

v/s.

Shradha CHSL & Os. .. Defendants

Mr. J.P. Sen, Sr. Advocate, a/w Rohaan Cama, Ish Jain, Amruta Thakur,
Kiran Jain i/b. Kiran Jain & Co. for the plaintiffs.

Mr. Mayur Khandeparkar a/w Vinay Taliwal i/b. Tamanna Bafna for
defendant no.1.

Ms. Kausar Banatwala a/w Gauri Sakhardande i/b. Tushar Goradia for
defendant nos. 2 to 4.

Mr. D. N. Kher, Court Receiver.

Mr. S. S. Toraskar, Section Officer, Court Receiver Office.

Mr. Sagar Patil for MCGM.

CORAM : A. K. MENON, J.

DATED : 21ST JANUARY, 2021.

P.C. :

1. This is an application by which the plaintiffs seek clarification of
an order dated 18th June, 2019 incorrectly mentioned as 19th June,

2019 in prayer clause (i). The clarification sought is to the effect that the 10 meter opening in the wall between two societies may be created but with a collapsible gate with the lock and key to be retained by the plaintiff. The order is clear as to the reasons on the opening had to be created. No clarification is required.

2. Mr. Sen at this stage points out what is contemplated is not a collapsible gate but a sliding gate. That makes no difference. The order was required in order to enable the parties to comply with the requirement, inter alia, of the fire brigade so as to permit movement which has already been deal with in the order. Hence, there is no occasion to issue any clarification.

3. Accordingly, I pass the following order;

(i) IA is dismissed.

(ii) No orders as to costs.

(A. K. MENON, J.)

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