

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 793 OF 2022

Mr. Mahadev Shridhar Adhatrao and Anr. ...Appellants
V/s.
Secretary / Chairman Tilak Nagar Sahayog
Co-operative Housing Society Ltd. & Anr. ...Respondents

Mr. Sagar P. Batavia, for the Appellants.
Mr. Bhushan Deshmukh a/w. Mr. Mohanish Chaudhari i/b. MSC
& Associates, for the Respondent No.1.
Mr. Mohanish Chaudhari i/b. Apeksha Sharma, for the
Respondent No.2.

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CORAM : C.V. BHADANG, J.

DATE : 19 AUGUST 2022

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. Heard learned counsel for the parties for some time.

2. This appeal is filed by the Appellants (original Plaintiffs) who are two in number, challenging the dismissal of their Notice of Motion No.1907/2022 by order dated 22 June 2022 in Suit (St) No.5760/2022.

3. The learned counsel for the Appellants, on instructions, states that the Appellants are ready and willing to vacate the suit

premises subject to the Respondents – Developers and Builders executing and entering into Permanent Alternate Accommodation Agreements (PAA) with the Appellants on par with the other members of the society.

4. The learned counsel for the second Respondent – Builder, on instructions, states that the Respondent is ready and willing to execute such agreements, which will be executed on par with the other members of the society. It is submitted that such agreements shall be executed within a period of three weeks' from today. The statement so made is accepted.

5. Subject to the execution of such Permanent Alternate Accommodation, as per rules, the Appellants undertake to vacate the suit premises, within a period of four weeks' from the execution of the agreement and to cooperate in the matter of redevelopment.

6. In that view of the matter, the appeal from order is disposed of, with no order as to costs.

C.V. BHADANG, J.