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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1468 OF 2022
IN
SUIT NO.61 OF 2021

Rohan Jagannath Murudkar ...Applicant/Plaintiff

Versus

Shri. Vigneshwar Co-operative
Housing Society & Ors. ...Defendants

* * * *

Mr. Deepak Chitnis i/by M/s. Deepak Chitnis Chiprikar & Co. for the
Applicant/Plaintiff.

Ms. Yamuna Parekar for Defendant-MCGM.

Mr. Aditya Lele i/by Ms. Aakanksha Thakkar for Defendant No.1.

Ms. Disha Karambar i/by M/s. Disha Karambar and Associates for
Defendant No.2.

* * * *

CORAM : R. I. CHAGLA, J.

DATED : 27th SEPTEMBER, 2022

ORDER :

1. Heard learned counsel for the Applicant/Plaintiff and the learned counsel for Defendant No.1-Society as well as the learned counsel for Defendant No.2. In spite of service, none appears for Defendant Nos.3 to 6.

2. Mr. Chitnis has referred to the order passed by this Court on 25th October 2021, wherein, prayer clauses (a), (b) and (d) of the Interim Application was granted. He has submitted that Flat

No.205 is concerned has been injuncted from being constructed. Defendant No.2-Developer has granted NOC in favour of Defendant No.1 for development. Mr. Aditya Lele for Defendant No.1 states that Defendant No.1 does not desire to construct Flat No.205.

3. Insofar as Flat No.202 is concerned, the said flat alongwith additional area of 267 sq. ft. possession has been handed over to the Applicant/Plaintiff by the Court Receiver appointed by this Court vide order dated 25th October 2021. Thus, nothing survives in the Interim Application No.1468 of 2022 and that the Interim Application may be disposed of by making the relief granted by order dated 25th October 2021 in terms of prayer clauses (a), (b) and (d) absolute.

4. Having considered the submissions of Mr. Chitnis and there being no objection raised by Defendant No.2 who has already given NOC to Defendant No.1 for development and Defendant Nos.3 to 6 remaining absent inspite of service, the Interim Application is made absolute in terms of prayer clauses (a), (b) and (d) and is accordingly disposed of.

(R.I. CHAGLA, J.)