

Prajakta Vartak

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

**APPEAL FROM ORDER NO. 309 OF 2022
IN
NOTICE OF MOTION NO. 375 OF 2022
WITH
INTERIM APPLICATION NO. 2232 OF 2022**

M/s. Sanskriti Developers & Ors. ..Appellants
Vs.
Vinod Nandlal Jain & Anr. ..Respondents

Mr. Karl Tamboly with Mr. Javed Khan for Appellants.
Mr. C. K. Tripathi for Respondents.

**CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 01, 2023**

P.C.:

1. This appeal from order is filed assailing an order dated 28 January, 2022 passed by the learned Judge, City Civil Court, Mumbai, whereby ad-interim reliefs on a draft notice of motion in S.C. Suit No. 894 of 2022 have been rejected.

2. Mr. Tripathi, learned counsel for the respondents states that his clients are inclined to restore the flats in question as per the plan annexed to the agreements dated 19 October, 2018. Learned counsel for the appellants, on instructions, is agreeable to such suggestion as made by Mr. Tripathi.

3. Accordingly, let the premises be restored to the original position as they stand in the respective agreements. Let the restoration be completed within four weeks from today. The appellants shall permit the respondents to enter the premises and undertake such work of restoration.

4. In view of the aforesaid consensus between the parties, nothing further would survive for adjudication on this appeal. The appeal is disposed of in view of such consensus between the parties. No costs.

5. At this stage, it is informed by learned counsel for the parties that in view of such arrangement between the parties, the suit itself would not warrant adjudication, hence, S.C. Suit No.894 of 2022 be disposed of. It is accordingly disposed of. Let the intimation of the disposal of the suit be forwarded to the Registrar of the City Civil Court.

6. In case of any difficulty, liberty to apply.

7. The Court has not examined any contentions of the parties, which are expressly kept open.

8. Interim application would not survive. It is accordingly disposed of.

[G.S. KULKARNI, J.]