

Sayali Upasani

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

**APPEAL FROM ORDER NO. 258 OF 2023
WITH
INTERIM APPLICATION NO.3505 OF 2023**

Gurpreet Kaur Chandok	...Appellant (Org. Plaintiff)
Vs.	
Ideal Manohar Co. Op Hsg. Soc. And Others	...Respondents (Org. Defendants)

Mr. Mayur Khandeparkar, a/w Mr. Amrut Joshi, Mr. Sujit Lahoti, Mr. Dipesh Palwankar i/b Mr. Sujit Lahoti and Associates, for Appellant.

Adv. Shakuntala Mudbidri, for respondent No. 1.

Adv. Indrayani Koparkar, for respondent No. 2.

Adv. A. Naphade a/w. Adv. Bharat Jain and Adv. Punit Agarwal, for respondent No. 3.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th APRIL, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) The challenge in this appeal is to an order dated 29th March 2023, passed in a Notice of Motion taken out by the

appellant/plaintiff seeking directions to the defendant No. 2-Developer to execute permanent alternate accommodation in favour of the plaintiff and injunctive relief restraining the defendants from causing obstruction to the possession of the plaintiff over Flat No. 10, Ideal Manohar Co. Op. Housing Society, Bandra, Mumbai-400 050 (the suit property).

3) By the impugned order, the learned Judge City Civil Court considered it appropriate to give opportunity to the defendants to file affidavit before considering the prayer for the interim relief.

4) The contest primarily seems to be between the appellant and defendant No. 3 over the entitlement to accommodation in the re-developed premises and the benefits like transit rent in the intervening period.

5) The Court is informed that the pleadings are complete and Notice of Motion is posted for hearing on 2nd May, 2023.

6) In the circumstances, it would be expedient if the Notice of Motion is heard and decided by the City Civil Court.

7) In the meanwhile, if any permanent alternate accommodation agreement is executed and/or benefits are given by the defendant/respondent No. 2, those shall be subject to the

order to be passed by the City Civil Court in the Notice of Motion.

8) With aforesaid clarification, the appeal stands disposed.

9) In view of the disposal of the Appeal, Interim Application also stands disposed.

[N. J. JAMADAR, J.]