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

**INTERIM APPLICATION NO.13659 OF 2023
WITH
INTERIM APPLICATION NO.13655 OF 2023
IN
FIRST APPEAL NO.464 OF 2017**

Suman Dhake (Decd)
Through LRs Pradeep T. Dhake & Ors. ...Applicants

In the matter between

The Chairman/Secretary of
Andheri Dhake Colony CHS Ltd. & Ors. ...Appellants

Vs.

Pradeep Trimbak Dhake & Ors. ...Respondents

Mr. Abhijeet Kulkarni with Mr. Gaurav Shahane for the
Appellants.

Mr. Vivek B. Pandey with Ridhima Mangaonkar &
Shyamkrishna Tripathi for Applicants in IA.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 30TH NOVEMBER 2023

P. C. :

1. Interim application is filed for following reliefs :

“(a) That the Hon’ble Court be pleased to direct the Appellant to include the terrace portion in the proposed redevelopment initiated by the Appellant society of the Andheri Dhake Colony

C.H.S.L., situated at J. P. Road, Andheri (W),
Mumbai 53;

(b) That the Hon'ble Court be pleased to restrain the Appellant society from entering into any development agreement with the concerned builder/developer, Mahavir Developer for redevelopment of the Appellant society without including the terrace portion "i.e., suit terrace" as a consideration in favour of the Applicant in the proposed redevelopment initiated by the Appellant society of the Andheri Dhake Colony C.H.S.L., situated at J. P. Road, Andheri (W), Mumbai 53."

2. Having heard learned Advocate for Applicants-Respondents and learned Advocate for appellant-society and on perusal of the record, this Court is of considered view that these applications can be disposed of by recording statement of learned Advocate for appellant-society.

3. Learned Advocate for Appellant-society, on instructions of the Chairman of Appellant-society, namely, Shri Anand Shirali, makes a statement that in the redevelopment agreement, the rights of applicants in respect of terrace would be mentioned and this would be subject to

decision in present First Appeal.

4. Aforesaid statement of Appellant is accepted as undertaking to this Court.

5. Interim Applications are disposed of in terms of the statement made by the Appellant.

[NITIN B. SURYAWANSHI, J.]