

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

**INTERIM APPLICATION NO.14758 OF 2023
IN
CIVIL REVISION APPLICATION NO.695 OF 2014**

The Municipal Employees' Arunachal Co-operative
Housing Society Ltd. ...Applicant

In the matter between:

Gopal Ganpat Samrit ...Applicant
Versus
R. G. Phatarpekar & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.14759 OF 2023
IN
CIVIL REVISION APPLICATION NO.695 OF 2014**

The Municipal Employees' Arunachal Co-operative
Housing Society Ltd. ...Applicant

In the matter between:

Madhukar Vishnu Talekar ...Applicant
Versus
Pandurang Atmaram Pai & Ors. ...Respondents

Ms. Jasmine Sabharwal i/b. M/s. N. N. Vaishnawa & Co., for the Applicant.

Ms. Neha M. Shah i/b. Mr. Dhiren H. Shah, for the Respondent-Society.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th NOVEMBER 2023

P.C. :

1. The praecipe is moved for Speaking to Minutes of order dated
27th October 2023.

2. Accordingly, the following paragraph be added as paragraph No.4 between existing paragraph Nos.3 and 4 and existing paragraph Nos.4, 5 and 6 be renumbered as paragraph Nos.5, 6 and 7. :-

“4. By another order also dated 28th June 2017 of which modification is sought, the Civil Revision Application No. 695 of 2014 was admitted and ad-interim relief was granted in terms of prayer (b) and (c). For the present Application, the interim relief granted in terms of prayer clause (c) is relevant, which reads as under:-

“(c) pending the hearing and final disposal of the Civil Revision Application, the Respondent Society and its Office Bearers and members be directed by an injunction and/or Order to reserve one flat admeasuring being 891.45 sq.ft carpet i.e. 630 sq.ft. carpet area of suit flat and 261.45 sq.ft. carpet being the 41.5% additional area as offered to other members in the redevelopment scheme in the Society before demolition of existing buildings pursuant to the redevelopment sanctioned by the Municipal Corporation of Greater Mumbai.”

3. Following paragraph be added as paragraph No.8 in order dated 27th October 2023 and existing paragraph Nos.7, 8 and 9 be renumbered as paragraph Nos.9, 10 and 11:-

“8. Accordingly, the directions given in terms of prayer clause (c) of order dated 28.06.2017 passed in Civil Revision Application No. 695 of 2014 is modified in the following manner:

“(c) pending the hearing and final disposal of the Civil Revision Application, the Respondent Society and its Office Bearers and members be directed by an injunction and/or Order to reserve one flat admeasuring being 882 sq.ft carpet i.e. 630 sq.ft. carpet area of suit flat and 252 sq.ft. carpet being the 40% additional area

as offered to other members in the redevelopment scheme in the Society before demolition of existing buildings pursuant to the redevelopment sanctioned by the Municipal Corporation of Greater Mumbai.”

4. Accordingly, order dated 27th October 2023 be modified and modified order be uploaded on the website.
5. The praecipe is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]