

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.32929 OF 2023
WITH

INTERIM APPLICATION NO.17759 OF 2023

IN

APPEAL FROM ORDER (STAMP) NO.32929 OF 2023
WITH

INTERIM APPLICATION (STAMP) NO.32930 OF 2023
IN

APPEAL FROM ORDER (STAMP) NO.32929 OF 2023

...

Ajit Shivilal Maru

....Appellant/Applicant

V/S

Tejprakash Jagar Varma & Ors.

....Respondents

...

Mr. Amogh Singh with Mr. Nirav Karia i/b Mr. Bhavin Bhatia for the
Appellant/Applicant.

Mr. S.S. Kharat for Respondent No.1.

Mr. Sushant Parmar and Mr. Ajit Maru (Landlord) present in Court.

Mr. Tejprakash J. Varma - Respondent No.1 present in Court.

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CORAM: SANDEEP V. MARNE, J.

DATE : DECEMBER 07, 2023.

P.C.:

1 After hearing the Appeal for sometime, Mr. Singh, the learned Counsel appearing for Appellant and Mr. Kharat, the learned Counsel appearing for Respondent No.1 would submit that the entire controversy involved in the Suit as well as in the present Appeal can be put to an end by making an arrangement which is directed in the present order. Mr. Ajit Maru and Mr. Sushant Parmar are present on behalf of the Appellant. Respondent No.1 is also present in the Court.

2 Both Mr. Singh and Mr. Kharat agree that the present Appeal as well as L.C. Suit No.3032 of 2023 can be disposed of by making the following arrangements:

i) In lieu of Plaintiff's constructed structure (garage) admeasuring 138 square feet, the Appellant shall allot permanent alternate accommodation in the new building to be constructed of area admeasuring area 150 square feet carpet on the first floor to be used as multipurpose room. Within two weeks from today, the Appellant shall execute Permanent Alternate Accommodation Agreement (**PAAA**) with Respondent No.1 on same terms and conditions as agreed with the other tenants of the building in respect of multipurpose room admeasuring 150 square feet on the first floor of the new building to be constructed. Immediately upon execution of the PAAA, Respondent No.1 shall handover possession of the entire suit premises immediately to the Appellant for its demolition as well as for reconstruction of the new building. The possession of new room premises shall be handover to Respondent No.1 on its completion.

ii) Respondent No.1 claims tenancy in respect of open space in front portion of the present constructed garage. Respondent No.1 shall be at liberty to initiate appropriate proceedings for establishing his alleged tenancy rights in respect of vacant place in front of the garage. It is however clarified that the Respondent No.1 shall not stall the work of redevelopment of the building only on account institution/pendency of

any proceedings to claim rights in respect of open space in front of the garage.

iii) All the rights and contentions of the parties with regard to the alleged rights of the Plaintiff in respect of the open space are kept open.

iv) Plaintiff shall make a formal application before the City Civil Court for withdrawal of the suit.

3 With the above directions, the Appeal is disposed of.

4 In view of the disposal of the Appeal, both the Interim Applications do not survive and the same are disposed of accordingly.

(SANDEEP V. MARNE, J.)