



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4494 OF 2023**

Digitech Electronic Systems
Pvt. Ltd. and Ors

.....Petitioners

Vs.

Shreeji Chambers Premises Co-Op.
Soc. Ltd. And Anr

.....Respondents

Mr. Vineet Naik i/b Mr. Harish R. Pawar for the Petitioners
Mr. Vikramjit Garewal a/w Mr. Ativ Patel, Mr. Harshad Vyas a/w Viloma
Shah i/b AVP Partners for Respondent No. 1
Smt. K. P. Thakur, AGP for Respondent No. 2

CORAM : GAURI GODSE, J.

DATE : 7th FEBRUARY 2024.

P.C.

1. After arguing the petition for sometime, parties agree that a workable order can be passed in the petition which will be operational during the pendency of the main dispute. Parties agree that the workable arrangement which was agreed and recorded in order dated 24th June 2022 passed in Writ Petition No. 1341 of 2022 and clarified in the order dated 4th July 2022 can be continued during the pendency

of the dispute with certain modifications.

2. Workable arrangement as recorded in the order dated 24th June 2022 and clarified in the order dated 4th July 2022 reads as under:

Order dated 24th June 2022:

“Respondents to the Petition i.e. original Disputants shall not operate any goods/vehicles within the open/parking premises of the suit building between 9.00 A.M. to 7.00 P.M. and shall take all such precaution so as to avoid any inconvenience to other members of the Society in the matter of handling of the goods in which Respondent is dealing with” .

Order dated 4th July 2022:

“1) Matter is listed for clarification of the order dated 24/06/2022.

2) After having heard respective counsel, it is clarified that Respondent shall be entitled to store the goods by using goods transportation vehicle and man power in between 7.00 p.m. to 9.00 a.m. However, he is restrained from bringing the goods in the Suit premises in between 9.00 a.m. to 7.00

p.m. However, it is clarified that it shall be open for him/or anybody claiming through him to withdraw the goods from the said premises during the aforesaid period i.e. 9.00 a.m. to 7.00 p.m.”

3. Learned counsel appearing for Respondent No. 1-Society on instructions states that in the aforesaid arrangement, timing of 9.00 a.m. to 7.00 p.m. should be modified as 9.00 a.m. to 7.30 p.m. He further states that Society building has two lifts and hence, Petitioner be permitted to use only one lift that will be identified by the Society for the purpose of handling the goods and transportation of the goods. Learned senior counsel appearing for the Petitioner on instructions of the Director of the Petitioner who is present in the Court agrees for the aforesaid changes to be made in the earlier arrangement. Hence, by consent, following order is passed:

ORDER

(I) During the pendency of the Dispute Application No. 124 of 2021, the Petitioner shall not operate any goods/vehicles within the open parking premises of the Suit building between 9.00 a.m. to 7.30 p.m. and shall take all

such precaution so as to avoid any inconvenience to other members of the society in the matter of handling of the goods in which the Petitioner is dealing with.

(II) The Petitioner agrees to use only one lift that will be identified by the Society for the purpose of handling and transportation of the goods. The lift that will be identified for such use will be intimated by the Society to the Petitioner in writing by tomorrow i.e. 8th February 2024.

(III) It is clarified that it shall be open for the Petitioner and/or anybody claiming through the Petitioner to withdraw the goods from the Society building/premises during the aforesaid restricted period i.e. from 9.00 a.m. to 7.30 a.m. provided the goods are handled only through a manual labour.

4. Writ Petition is disposed of in above terms.

[GAURI GODSE, J.]