

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7893 OF 2024

IN

APPEAL FROM ORDER NO.941 OF 2023

Ava Elma Vocational Education Pvt. Ltd.

...Applicant

vs.

Mr Gonsalves Corles Neol Jos

...Respondent

....

Mr Bhavik Manek, i/b. Hafeezur Rahman, for the Applicant.

Mr Shrey Fatterpekar, a/w. Mr Mayank Gandhi and Ms Riddhi Naik,
i/b. Solicis Lex, for the Respondent.

Mr Corles Neol Gonsalves, Respondent-in-person present.

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Coram : R.N. Laddha, J.

Date : 19 April 2024

P.C. :

. Heard the learned Counsel for the parties.

2. The learned Counsel for the parties jointly submit that the parties have arrived at an agreement/arrangement in terms of which this interim application can be disposed of.

3. The parties are present before the Court and are identified

by their respective Counsel. The Minutes of Order, signed by the parties along with their respective Counsel, is taken on record and marked as "X" for identification.

4. Given the above, this interim application is disposed of in the following terms by consent of the parties as an undertaking to this Court:

MINUTES OF ORDER

1. *By an order dated 17th November 2023, the above Appeal from Order was disposed of on the terms recorded therein. Under the said order, the Applicant was required to vacate the premises in their possession by 30th April 2024.*
2. *Since, however, the examinations scheduled in April 2024 were rescheduled to May 2024, the Applicant has filed the present Interim Application seeking an extension of time to vacate the premises in their possession by 31st May 2024.*
3. *After filing of the present Interim Application, however, the parties have arrived at a consensus which is recorded below -*
 - a) *The Respondent agrees to extend the time for vacating the premises in the Applicant's possession as recorded in the order dated 17th November 2023 and on the terms contained therein till 31st May 2024;*
 - b) *The Applicant agrees and undertakes to vacate the premises in their possession (as recorded in the order dated 17th November 2023) by 31st May 2024;*
 - c) *The Applicant shall occupy such premises till 31st May 2024 in the same terms as recorded in the order dated 17th November 2023;*
 - d) *In so far as rent for the month of May 2024 is concerned, the Applicant shall pay an amount of*

Rs.55,000/- to the Respondent on or before 30th April 2024;

- e) The Applicant shall withdraw S.C. Suit No.3154 of 2023 filed before the Hon'ble City Civil Court at Dindoshi on or before 30th June 2024;*
 - f) The Applicant's Director, Mr. Santosh Shinde, shall grant his consent for quashing of Special Case No.571 of 2023 pending before the Additional District and Sessions Judge, Dindoshi (C.R.No.9) as and when the Respondent applies for quashing of the same;*
 - g) The Respondent agrees that he shall apply for quashing of Special Case No.571 of 2023 only after 31st May 2024 and in any event not later than 31st July 2024;*
 - h) The Respondent also undertakes that he or any of his staff members shall not obstruct the smooth running of the vocational classes or examinations conducted by the Applicant and shall extend full cooperation to ensure that the examinations are held without any hindrance or inconvenience to the students appearing for the same;*
 - i) On the examination dates as set out in the letter/circular dated 18th March 2024 (Exhibit F to the Interim Application which contains the revised timetable) only and in order to facilitate the examinations being held, the Applicant shall have access to the passage between its office and the training shed which passage is situated within the Respondent's building;*
 - j) All statements made herein are accepted as undertakings to this Hon'ble Court.*
- 4. In view of the aforesaid consensus, the Interim Application is accordingly disposed of."*

5. It is made clear that this Court has not examined the merits of the matter, and if the occasion so arises, the parties are at liberty to

take appropriate steps in accordance with the law. The interim application is disposed of accordingly.

(R.N. LADDHA, J.)