



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 18356 OF 2023  
IN  
CONTEMPT PETITION NO.411 OF 2021  
IN  
WRIT PETITION NO.2173 OF 2016

M/s. Sai Development Corporation  
through its Partners

1. Shri. Jaswantsing Gurudayalsingh Khanuja & Anr. ...Applicants

**In the matter between:**

Smt. Sujata Loku Pujari

(Sujata Sadanand Bangera)

...Petitioner

Versus

M/s. P. K. Deole & Associates & Ors.

...Respondents

Mr. Sachin S. Punde, for the Applicants.

Mr. Rajesh More, for the Petitioner.

**CORAM : MADHAV J. JAMDAR, J.**

**DATED : 9<sup>th</sup> JANUARY 2024**

**P.C. :**

1. This Interim Application is preferred for extension of time to comply with the undertaking accepted by Order dated 19<sup>th</sup> December 2022 passed by this Court in Contempt Petition No.411 of 2021. By the said Order, the undertaking of the present Applicants was accepted that they shall hand over the possession of the agreed 1200 sq.ft. built-up area to the Petitioner on or before 31<sup>st</sup> December 2023

and further undertaking to pay an amount of Rs.25,000/- per month as compensation towards house rent expenses till handing over the possession of the newly constructed premises.

2. Mr. Punde, learned Counsel appearing for the Applicants who were the Respondent Nos.2A and 2B states that Respondent No.2A i.e. present Applicant No.1A has passed away during the pendency of the present Interim Application. He has filed an undertaking dated 8<sup>th</sup> January 2024 of Applicant No.2-Purandar Bolu Pujari (original Respondent No.2B). The said undertaking is as follows:-

**“UNDERTAKING**

**(BY APPLICANT)**

*I, Purandar Bolu Pujari, Age 57 years, residing at Flat No.502, 'A' Wing, Laxmi Vilas, Mukund Nagar, Swargate, Pune 411037, the Partner of the Applicant in the above-mentioned matter, do hereby Undertake as under:*

*1) I have filed present Interim Application for extension of time to comply with the Undertaking and Order dated 19/12/2022. I say that during pendency of this Application another Partner namely Jaswantsingh Gurudayalsingh Khanuja passed away on 21/12/2023 and I am taking the entire responsibility to comply the Order of this Hon' ble Court.*

*2) I say that pursuant to the undertakings dated 17/12/2022 and Order dated 19/12/2022, the Applicant was to make construction of the subject shop admeasuring 1200 sq.feet built up area and to hand over the same on or before 31/12/2023 to the Original Petitioner namely Smt. Sujata Loku Pujari. I say that the Applicant has completed the construction of the said shop admeasuring 1200 sq. feet built up area in September 2023 itself. I say that the Applicant has applied to the Pune Municipal Corporation on 07/10/2023 for issuance of Part Occupancy Certificate in respect of the subject shop and the said Proposal for issuance of Part Occupancy Certificate is pending.*

*3) I hereby undertake to hand over the keys of the subject shop to the Original Petitioner Smt. Sujata Loku Pujari and put her in possession of the subject shop for 'fit out purpose'.*

*4) I say that I will continue to pay an amount of Rs.25,000/- per month towards monthly rental compensation to the Petitioner Smt. Sujata Loku Pujari on or before fifth day of each English calendar month up to the date of issuance of Part Occupancy Certificate in respect of the subject shop by Pune Municipal Corporation.*

*I say that the above contents of Paragraphs No.1 to 4 are true to my own knowledge, information and belief and I*

*believe the same to be true.”*

3. The Applicant No.2-Purandar Bolu Pujari is present in Court and reiterated the above undertakings. Accordingly, the above undertakings are accepted.

4. In the Court, keys of the said shop premises admeasuring 1200 sq.ft. are handed over by Mr. Punde, learned Counsel appearing for the Applicants to Mr. Rajesh More, learned Counsel appearing for the original Petitioner.

5. The Applicant No.2-Purandar Bolu Pujari who is present in the Court undertakes that till the Occupation Certificate/Part Occupation Certificate for the said shop admeasuring 1200 sq.ft. built-up area is obtained, he will pay an amount of Rs.25,000/- per month to the Petitioner-Smt. Sujata Loku Pujari.

6. At this stage, Mr. Rajesh More, learned Counsel appearing for the original Petitioner states that the said amount is inadequate considering the market rate. Accordingly, liberty to file fresh Application for modification of said amount of Rs.25,000/-, if the said Applicant No.2-Purandar Bolu Pujari fails to obtain an Occupation Certificate/Part Occupation Certificate for the said shop premises on

or before 31<sup>st</sup> March 2024.

7. The Interim Application is disposed off by accepting the above undertakings given by Applicant No.2-Purandar Bolu Pujari.

**[MADHAV J. JAMDAR, J.]**