

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

**APPEAL FROM ORDER NO. 81 OF 2024
WITH
INTERIM APPLICATION NO.871 OF 2024**

Vidyadhar Rajaram Raut	.. Appellant
v/s.	
The Chairman, Bodhisattva Ambedkar Chs. And Others	.. Respondents

**WITH
INTERIM APPLICATION NO.8566 OF 2024
IN
APPEAL FROM ORDER NO. 81 OF 2024**

The Chairman, Bodhisattva Ambedkar Chs. And Others	.. Applicant
v/s.	
Vidyadhar Rajaram Raut	.. Respondent

**WITH
INTERIM APPLICATION NO.11115 OF 2024
IN
APPEAL FROM ORDER NO. 81 OF 2024**

M/S.Orange Nirman Realtors LLP Vidyadhar R. Raut (In Person)	.. Applicant
v/s.	
Vidyadhar Rajaram Raut	.. Respondent

**WITH
CIVIL REVISION APPLICATION NO. 44 OF 2024
IN
APPEAL FROM ORDER NO. 81 OF 2024**

Rajaram T. Raut	.. Applicant
v/s.	
Smt. Manisha Rajaram Raut & Ors.	.. Respondents

Dr. U.P. Warunjikar for the Appellant in Appeal and Applicant in
IA 871 OF 2024.

Dr. Abhinav Chandrachud i/b. Ms. Ranjana Todankar for
Respondent No.1.

Mr. P. Tilak for Intervener.

Mr. Topkar a/w. Ms. Vaishali Bhilare, a/w. Ms. Pavitra Manesh
a/w. Ms. Bhargavi Patil i/b. Saurabh Mandlik for
Respondent No.2 in AO/81/2024 and for
Applicant in CRA/44/2024.

Mr. Christopher Lobo Partner of M/s. Orange Nirman Realtors
LLP present. (Proposed Intervenor)

CORAM : SHYAM C. CHANDAK, J.

DATE : 24th OCTOBER, 2024.

P.C. :

. After hearing the matter for some time, learned Advocate for the Plaintiff and Defendant Nos. 1 to 3 made a joint statement that they have amicably settled the aforesaid Appeal and Revision. That as per the settlement, the Defendant Nos. 1 to 3 would take the entire transit rent of Rs.21,000/- per month from the Builder M/s. Orange Nirman Realtors LLP. The refund thereof or otherwise, shall be subject to final Order of the trial Court in S.C. Suit No. 2045 of 2014.

2) Mr. Christopher Lobo partner of M/s. Orange Nirman Realtors, LLP, voluntarily stated that his firm will pay to the Plaintiff Rs.8000/- per month as an additional transit rent, until the possession of the proposed flat is handed over to the legitimate claimant thereof along with occupancy certificate, either in normal course or as per the Orders passed by the Court concerned, as the case may be. Once the possession of

the subject flat and the Occupancy Certificate is received by the person entitled as above, the monthly payment of Rs.8,000/- to the Plaintiff, shall be discontinued. If required, the Plaintiff and the builder M/s.Orange Nirman Realtors, LLP are at liberty to execute the agreement to that effect.

3) Looking at the Plaintiff's present age and his financial difficulty, said Mr.Christopher Lobo would voluntarily pay to the Plaintiff the said amount of Rs.8000/- per month as additional transit rent. Therefore, it is made clear that no other member of Defendant No.4- Society shall claim the additional transit rent of Rs.8,000/- or any other additional amount as transit rent from the Builder M/s.Orange Nirman Realtors LLP by virtue of this Order. The Defendant No.4- Society shall also not entertain any such claim from its any other member.

4) The transportation charges stated in item no.2 of the impugned Order dated 6th December 2023, shall be paid to the Defendant Nos.1 to 3.

5) The Appellant shall vacate the suit premises within six weeks from today.

6) The aforesaid Appeal from Order No.81/2024, Interim Application No.871/2024, Interim Application No. 8566/2024, Interim Application No.11115/24 and Civil Revision Application No.44/2024 stand disposed of in the aforesaid terms.

7) Parties undertake not to challenge this Order in the Apex Court.

- 8) Plaintiff being a senior citizen the trial Court is requested to expedite the hearing and dispose of the suit.
- 9) All the other Interim Applications being infructuous stand disposed of accordingly.

(SHYAM C. CHANDAK, J.)

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI RAJESH
MANE
Date: 2024.10.26
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