

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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APPEAL FROM ORDER NO. 863 OF 2024

Vaikunth Villa 'A' CHS Ltd. ...Appellant
Versus
Dilip Krishna Matvankar And Others ...Respondents

Mr. Dhananjayrao Ranaware a/w. Ms. Ridhi Shah and Mr. Pradeep Dube, for Appellant.
Mr. Dharmendra J. Damani a/w. Mr. Sudhir Bhardwaj for Respondent Nos.1 to 3 and 6 (Developer) & 7.
Mr. Santosh Parad, for Respondent No.9-MCGM.

CORAM : M.M. SATHAYE, J.

DATE : 2nd DECEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant/Plaintiff Society and learned counsel for Respondent Nos.1 to 3 and 6 & 7 (Developer) and learned counsel for Respondent No.9-Municipal Corporation.
2. After going through the impugned order and hearing learned counsel for the parties, as well as considering the consent decree under which the Appellant-Society is obliged to provide 5 meters wide road for access to C.T.S. No.363 from their property i.e. CTS No.371, arguable case is made out.
3. Issue notice to Respondents, returnable on **06.01.2025**. Learned counsel for Respondent Nos. 1 to 3 and 6 & 7 & 9 waive service.

4. Parties are directed to maintain *status quo* until next date.
5. It is directed that Respondent Nos.6 & 7 who are developing CTS No. 363, will not create any obstruction to the Appellant-Society or its members for normal use and enjoyment of C.T.S. No. 371 including movement of their vehicles and ingress and egress.
6. Also, if any debris or constructions material is lying in C.T.S. No. 371 (which is the property of the Appellant-Society), creating interference or hurdle in the movement of society members or their cars, the same will be removed by Respondent Nos. 6 & 7 as soon as possible.

(M.M. SATHAYE, J.)