

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 473 OF 2024
WITH
INTERIM APPLICATION NO. 9677 OF 2024
IN
APPEAL FROM ORDER NO. 473 OF 2024

Shri Manilal Parshuram Patil	...Appellant/Applicant
Versus	
Shri Ganesh Developers Through Its Partners	
Anand Gadalu Patil And Others	...Respondents

Mr. S.S. Patwardhan i/b. Ms. Mrinal A. Shelar, for
Appellant/Applicant.
None for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 12th NOVEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant/Applicant-original Plaintiff.
2. Attention of the Court is invited to the clauses 6(a), 7 & 12 of the registered development agreement dated 25/06/2020, which is under challenge in the subject suit.
3. The Appellant is owner of the subject matter property and the Respondent-Developer is developing it on the basis of said registered development agreement.

4. Arguable case is made out about entitlement of the Appellant/Plaintiff to 48% share in the construction with added FSI because the subject matter property was included in the MMRDA region permitting additional FSI beyond 1.

5. Issue notice to Respondents, returnable on **3/12/2024**. In addition to Court notice, private notice is permitted. Notice to indicate that subject to time constraints, an endeavour will be made to finally disposal of the appeal, at the admission stage.

(M.M. SATHAYE, J.)