

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2068 OF 2024

Sheetal Rajesh Dattani

...Petitioner

Versus

Chief Executive Officer, Slum Rehabilitation
Authority & Ors ...Respondents

Mr Piyush A Singh, with KA Singh, for the Petitioner.

Mr Jagdish Reddy, for the Respondent-SRA.

Mr Sharad Wakchoure, for Respondent No. 2.

Mr Nikhilesh Nishad for (Hansaben) - New Respondent No. 3.

**CORAM M.S. Sonak &
Kamal Khata, JJ.**

DATED: 25th July 2024

PC:-

1. Heard learned counsel for the Parties.
2. Leave is granted to implead Hansaben Sagarbhai Dattani as Respondent No. 3. Amendment to be carried out forthwith. Reverification is dispensed with.
3. Advocate Nikhilesh Nishad appears and waives service for the newly impleaded Respondent No. 3, Hansaben Sagarbhai

Dattani. The learned counsel for the Petitioner has now furnished a copy of the Petition to Advocate Nikhilesh Nishad.

4. Without prejudice, the learned counsel for the Petitioner and the newly impleaded 3rd Respondent agree that the 2nd Respondent/Developer should hand over the joint possession of Flat No. 803, 8th Floor, Omkareshwar Society (S.R.A.) Cooperative Housing Society, Malad East, Mumbai – 400097 to the Petitioner and the 3rd Respondent. The Petitioner is the daughter-in-law of the 3rd Respondent.

5. The learned counsel for the 2nd Respondent has no objection to handing over the joint possession to the Petitioner and the 3rd Respondent. In fact, learned counsel for the 2nd Respondent had submitted that the SRA had held both the Petitioner and the 3rd Respondent to be jointly eligible for allotment of this flat by way of permanent alternate accommodation, and therefore, the flat could be handed over to both, but not either.

6. Accordingly, the 2nd Respondent should hand over one set of keys each to the Petitioner and the 3rd Respondent by 26th July 2024. For this purpose, the Petitioner and the 3rd Respondent should report at the building where the flat is situated on 26th July 2024 at 2.30 pm. Similarly, the representative of the 2nd Respondent should also remain present at the same time and hand over two sets of keys along with copies of the possession letters confirming that joint possession has been handed over to the Petitioner and the 3rd Respondent.

7. The learned counsel for the Petitioner submits that arrears of rent to the extent of Rs. 5,45,626/- are payable by the 2nd Respondent to the Petitioner. Learned counsel for the 3rd Respondent submits that these rents have been equally shared.

8. Learned counsel for the Developer submits that, as per their records, only Rs. 69,330/—is due and payable. Accordingly, we round this figure to Rs. 70,000/—and direct that Rs. 35,000/— each should be paid to the Petitioner and the 3rd Respondent on 26th July 2024 at the time of the 2nd Respondent's handing over of the joint possession. The acceptance of this amount shall be without prejudice to their claim.

9. The Petitioner and the 3rd Respondent are free to represent the Assistant Registrar, SRA, regarding their disputes about the possession and rents. Such representations should be made within four weeks from today. If such representations are made, the Assistant Registrar, SRA, should dispose of such representations by hearing the Petitioner and the 3rd Respondent and pass a reasoned order. This exercise must be completed within three months from the filing of the representation.

10. The above arrangement ordered is without prejudice to the respective rights and contentions of the parties. The Assistant Registrar, SRA, must make the representations after hearing all the concerned parties and communicating reasoned decisions to them. If the parties are aggrieved, they can challenge such decisions per

the law. All contentions are left open to be decided by the Assistant Registrar, SRA, at the first instance.

11. With the above orders this Petition is disposed of. There shall be no orders for costs.

12. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)