

Vaibhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2764 OF 2024

Ashok Harishchandra Patil & Ors.

...Petitioners

Versus

Haresh Shankar Purhoit & Ors.

...Respondents

Mr. Mandar P. Patil, for the Petitioners.

Mr. Dushyant Pagare for the Respondent No.9.

Ms. Chaitrali Deshmukh, for the Respondent No.11.

Mr. S. L. Babar, AGP for the State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 10 FEBRUARY 2025

P.C.:

1. The learned 4th Joint Civil Judge, Senior Division (District -Thane) by Judgment and Decree dated 29th July 2015 passed in Regular Civil Suit No.277 of 2009, has decreed the suit in following terms :-

“1. Suit is partly decreed with costs.

2. Defendant nos. 1 to 7 are hereby directed to provide and hand over to plaintiff the actual possession of one flat out of four reserved flat no. 401 to 404 in the newly constructed building over CTS No. 84, 85, 86 Tikka No. 5, Mahajan Wadi, Kharkar Ali, Thane alongwith water connection and electricity supply thereto within the period of one month from the date of passing this order in lieu of said tenanted premise on rental basis.

3. Decree be drawn up accordingly.”

2. Mr. Dushyant Pagare, learned Counsel appearing for the

Respondent No.9 on instructions states that, without prejudice to the rights and contentions of the Respondent No.9, possession of Flat No.401 will be handed over to the Petitioner on or before 21st February 2025. The said statement made on the instructions of the Respondent No.9 is accepted as undertaking given to this Court.

3. Stand over to **24th February 2025 at 2.30 p.m.**

[MADHAV J. JAMDAR, J.]