

CALLED FOR DIRECTION:

1. COMAP/64/2024) Mr. Mahadik Rohit Prakash, Advocate for Appellant.
)
) Mr. Rushikesh Bhagat, Advocate i/b. Prerak A.
) Sharma for Respondent Nos. 1 & 2.
)
) P. C. : 1. Pursuant to the Order dated 09.10.2024,
) the aforesaid Commercial Appeal is disposed
) of in accordance with the consent terms dated
) 09.10.2024. As per clause 13 of the consent
) terms, Prothonotary & Senior Master, High
) Court Bombay is directed to release forthwith
) the transit rent upto 30.10.2018 as per
) amounts due and payable to each of them in
) accordance with the chart set out at Annexure
) – C to the consent term to the appellants who
) are other tenants/ occupants or nominees of
) deceased tenants and occupants and as more
) particularly mentioned in the respective
) registered Agreement of Alternate permanent
) accommodation executed between them or
) their predecessors and Respondent No.3 and
) upon producing the copies of the respective
) registered permanent Alternate Agreement
) before the Prothonotary & Senior Master for
) verification.
)
)
) 2. The aforesaid Order dated 09.10.2024

..3/-

agreement to this Registry.

(B) The Ld. Advocate for the Appellant produced Original registered agreement for permanent alternative accommodation dated 03.07.2010 executed between Mr. A. R. Naik Respondent No.3 and Mr. Amol Sharadchandra Hajirnis, tenant in respect of Room No. 26-A. His name is mentioned at Sr No. 2 in chart - Annexure -C to the consent term. The said agreement is signed by both the parties and registered before the Joint Sub Registrar, Mumbai City 3 on 03.07.2010 at No. BBE3/6731/2010. The said agreement is perused and verified and returned to the Advocate for Appellant. Advocate for the Applicant undertakes to submit Xerox copy of the same to this Registry.

(C) The Learned Advocate for the Appellant produced original registered Agreement for permanent alternative accommodation dated 15.11.2008 executed between A. R. Naik, developer, the Respondent No.3 and the tenant Mr. Sunil Vinayak Vaidya. His name is mentioned at Sr No.3 in chart Annexure -C to the consent terms. The said agreement for permanent alternative accommodation is in respect of Room No. A- 27. The said agreement is signed by both the parties and

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) registered before the Joint Sub Registrar
)
) Mumbai City 3 at Sr. No. BBE3-8277-2008 The
) said agreement is perused and verified and
) returned to the Advocate for the Appellant.
) Advocate for the Appellant undertakes to
) submit Xerox copy of the same to this Registry.
)
)

) (D) The Ld. Advocate for the Appellants
) produced registered Original agreement for
) permanent alternative accommodation dated
) 20.07.2010 executed between Mr. A. R. Naik
) Developer/ Respondent No.3 and the Original
) deceased tenant Prabhakar P. Bhavé in respect
) of Room No.C1. The Ld. Advocate for the
) Appellants state that the Original tenant has
) expired and the name of occupants are
) mentioned at Sr. No.5 Annexure- C to the
) consent terms. The learned Advocate for
) Appellant states that the said deceased left
) three legal heirs Pratibha P. Bhavé, widow and
) Prajakta Gajanan Karandikar or and Poorva
) Abhishek Sule, married daughters. The said
) daughters have given no objection for
) releasing the amount of transit rent in favour
) of their mother Pratibha Prabhakar Bhavé by
) filing their respective Affidavit. The Original
) agreement which is executed between
) Original tenant and developer is registered on
) 04.09.2010 before the Joint Sub Registrar
) Mumbai City No.1 at Sr. No.BBE1/6973/2010.
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The said agreement is perused and verified and returned to the Advocate for the Appellants. He undertakes to submit Xerox copy of the same to this Registry.

(E) The Learned Advocate for the Appellants produced original agreement for permanent alternative accommodation dated 18.11.2010 executed between A. R. Naik, Developer/ Respondent No.3 and the Original tenants Mr. Shankar R. Bhuvad and Ankush Anand Bhuvad, who was then minor of the said agreement and the Agreement was signed by his mother natural guardian Archana Anand Bhuvad. The said agreement is executed in respect of Patra-Shed as mentioned in Sr. No. 6 in Annexure -C to the consent terms. The Ld. Advocate for the Applicant states that Mr. Ankush Anand Bhuvad is now major and Mr. Shankar R. Bhuvad has given no objection for releasing the amount of transit rent in faovur of Ankush Bhuvad. The aforesaid Agreement is registered before the Joint Sub Registrar Mumbai City 3 on 18.11.2010 at Sr. No.BBE3/10988/2010. The said agreement is perused and verified and returned to the Advocate for the Appellants. He undertakes to submit Xerox copy of the same to this Registry.

(F) The Ld. Advocate for the Appellants produced original registered agreement dated

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20.07.2010 for permanent alternative accommodation executed between A. R. Naik developer /Respondent No.3 and the tenant Pralhad H. Gokhale in respect of Room No. A-38. The said tenant is mentioned at Sr No. 7 in Annexure – C to the consent terms. The said agreement is registered before the Joint Sub Registrar Mumbai City -1 on 04.09.2010 at Sr No. BBE-1/6972/2010. The said agreement is perused and verified and returned to the Advocate for the Appellants. He undertakes to submit Xerox copy of the same to this Registry.

4. As regards verification of Agreement of permanent alternative accommodation in respect of tenant at Sr. No.4, the Ld. Advocate for the Appellant seeks some time. Hence, adjourned to 30/01/2025.

5. Office to place this Report before the Learned Prothonotary and Senior Master and take steps for releasing the amount of transit rent in respect of tenants/occupants at Sr. No.1 to 3, 5 to 7 in Annexure 'C' to the Consent Terms.