

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION (L) NO. 21361 OF 2025

Rajesh Hirlekar, Director Of Concept Infrastructure ...Petitioner
Consultants Pvt. Ltd.

Versus

Deepali Deepak Karnik & Ors ...Respondents

Ms. Maheshwari Dave, a/w Gauri Varsha Bhagwan Govande, for the Petitioner.

Mr. Rajesh Hirlekar, Petitioner present in Court.

Mr. Abhishek A. Walwaikar, for Respondent Nos.1 to 5.

Mr. Suyash Gadre, i/b Abhishek Thoke, a/w Indrani Gowds-Trustee of Respondent No.3.

Yogesh CHSL, Mangesh Shende-Secretary, Sanjay Kale-Treasurer, Chandrakant Devbhakt- Chairman for Respondent No.4 present in Court.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 15, 2025

ORDER :

1. By an order dated September 20, 2025 directions had been issued in respect of Flat No.6A to which Respondent No.1 is entitled as an owner and which flat is occupied by Respondent No.2. Towards this end, following corrections would be needed in paragraph 6(D), (E), (F) and (G):-

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- i) In Clause 6(D) in the first line instead of “Respondent in Possession” is corrected to read as “Respondent No.1”;
- ii) In Clause 6(E) in the fourth line instead of “Respondent in Possession” is corrected to read as “Respondent No.1”;
- iii) In Clause 6(F) in the first line instead of “Respondent in Possession” is corrected to read as “Respondent No.1”;
- iv) In Clause 6(G) in the third line instead of “Respondent in Possession” is corrected to read as “Respondent No.1”;

2. Today when the matter is called out, it is stated that disputes and differences in relation to plot bearing CTS No.94B/4 which is adjoining plot owned by Respondent No.5 and occupied by Respondent No.3 have also been resolved by way of Consent Terms between the Petitioner and Respondent Nos.3 and Respondent No.4.

3. The said plot stands in the name of Respondent No.4 pursuant to a Deemed Conveyance permitted in law. The Deemed

Convenience is the subject matter of challenge by Respondent No.5 as the claimant for title to the original plot. Subject to outcome in such challenge, the Consent Terms would need to be permitted to run their course. Respondent Nos.3 and 4 have reduced to writing the terms on which Respondent No.3 shall vacate the said plot, and towards this end, the parties have agreed that the plot would be handed over to the Petitioner within a period of three days from the date of upload of this order.

4. The Consent Terms dated October 15, 2025, a copy of which is tendered in the Court, and is marked "X" for identification, and taken on record. Learned Counsel for the parties submit that there is nothing in this Consent Terms that is contrary to law. Consequently, undertakings contained in the Consent Terms are accepted as undertakings given to Court.

5. Since this jurisdiction is a limited equitable jurisdiction, Respondent No.5 would indeed be entitled to pursue the suit challenging the Deemed Conveyance and initiate such proceedings as he may be advised to undertake against tenants to whom he had given the said plot. Nothing contained in this order would come in the way of the pursuit or the outcome in such legal proceedings. The direction

contained in this order shall abide by the outcome of such proceedings as the parties may engage in.

6. Since the jurisdiction is a limited one and is not intended to hold up the redevelopment in the wider interest of the multiple members of the Society, the redevelopment will progress subject to outcome in such proceedings. Nothing therefore survives further in this matter, making it clear that nothing contained in this order would undermine or form an expression of an opinion on merits by this Court in any other litigation that the parties may be involved in to protect their respective rights.

7. This Petition is ***finally disposed of*** in the aforesaid terms.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]