

Spl. Civil Suit No.100/2017
(Old No.35/2014)
Bhagatsingh Nagari Vs. Arun Giradkar
(PW-3) Exh.No.75

Name : Shri. Ashish Manikrao Hazare
Age : 35 Yrs,
Occ. : Architect
R/o. : Mangalwaripeth, Umrer.

Examination in chief on oath by Adv.N.R.Bhisikar for Plaintiff

[01] Today I am appearing before the court on the basis of summons for adducing evidence. My education qualification is Bachelor of Architect. I am in this profession since the year 2010. Defendent Arun Giradkar had decided to carry out construction of the building namely "Arunodaya-II". I work as architect for said building. I had seen broucher (offering) regarding the scheme. The broucher Exh.61 now shown to me is the same. As per broucher Exh.61 the area for office block is 985 sq.ft. I have prepared the proposed map regarding construction of Arunodaya-II. It was submitted for sanction to Municipal Counsel Umrer. Copy of said map now shown to me. It bears my signature. It is at Exh.63. As per map Exh.63 the disputed office block is situated back side to the shop no.3 and 4. As an architect I use to inspect and supervise the construction work. As per map Exh.63 the construction portion of disputed block is nearabout 850 sq.ft. As per map Exh.63 towards East side of disputed block there is the lane having 5 ft. width. It was decided to allot the lane to the user of disputed block. Considering the area of lane the total area of disputed shop block comes to 985 sq.ft. As per sanction map the entire construction situated at the back side of shop no.3 and 4 was covered in disputed block, its area was 985 sq.ft. The map Exh.64 now shown to me, it is not sanctioned map. It was drawn by me for submitting to the municipal counsel. It was drawn for seeking revised sanction. The revised plan was drawn to increase the area of shop no.3 and 4. It was possible to apply for extention of the area of disputed block.

Cross-examination on behalf of defendant by Adv. A.N.Dharkar

[02] As per broucher Exh.61 the measurement of office block is 15 x 40 sq.ft. It comes to 600 sq.ft. It is true to say that the 985 sq.ft. measurement relating to shop block shown in broucher is incorrect one. As per sanction map Exh.63 the sanction carpet area for shop block is 630 sq.ft. I do not know that even though the offering as per broucher was 600 sq.ft for office block but the Nagar Parishad had sanctioned the carpet area for office block only to the extent of 500 sq.ft. It is true to say that as per initial sanction order dt.20.03.2013 the carpet area for office block was 454 sq.ft. I do not know that on the basis of sanction order dt.20.03.2013 plaintiff society had entered into an agreement with defendant to purchase the shop block. It is true to say that the proposal for extension of the area of shop no.3 and 4 has not been accepted/sanctioned. At present the exact sanction carpet area for shop block is 630 sq.ft.

[03] I do not know anything about the agreement between plaintiff and defendant. I do not know the grounds for disputes between plaintiff and defendant. It is true to say that the Secretary of plaintiff society is my cousin. Since last three years I have not visited the construction site of Arunodaya-II. In view of sanction map it is not possible to carryout construction of 1000 sq.ft. at the place of office block/disputed block. Built up area might be 17 to 18 percent more than carpet area. If the carpet is 630 sq.ft then its built up area comes to 693.22 sq.ft.

Cross-Examination Over.

Re-exmination – NIL

ROAC

Before me

[S. K. Fokmare]
CJSD, Umrer.

[S.K. Fokmare]
CJSD, Umrer.

Dated : 07/07/2018.