

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**NOTICE OF MOTION (L) NO. 210 OF 2017**

**IN**

**SUIT (L) NO. 49 OF 2017**

Lourdes Veronica Baptista ... Plaintiff

Versus

M./s. Crescent Builders and Developers & Ors. ... Defendants

Mr. Rohan Cama i/b. D.C. Baptista for the Plaintiff.

Dr. Birendra Saraf a/w. Ms. Apurva Thipsay i/b. Mr. Shreyas Vyas for Defendant Nos. 1 and 2.

Mr. Nishant Sasidharan a/w. Mr. Suraj Iyer, Manal Dhanani i/b. Ganesh and Company for Defendant Nos. 3 to 5.

Mr. Sandeep Patil for Defendant No. 10 / Corporation.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 13<sup>TH</sup> FEBRUARY, 2017**

**P.C. :**

1. On 7<sup>th</sup> February, 2017 this Court passed the following order :

*“Defendants to file their affidavit in reply by 9th February, 2017. Stand over to 9th February, 2017. In the meantime status quo in respect of the suit property shall be maintained. Office to produce the papers and proceedings in Suit No. 2117 of 1986 on the next date of hearing.”*

2. The learned Advocate appearing for the Corporation on instructions states that an Application for Occupation Certificate (OC) is yet to be received from Defendant No. 1. The learned Advocate appearing for Defendant No. 1 on instructions states that an audit has been applied for.

3. It is further clarified as under :
- i. All the steps taken qua the obtaining of the OC, shall be subject to further orders passed by this Court.
  - ii. In the event of Defendant No. 1 being desirous of handing over the flats to Defendant No. 1 for fit outs or for possession after receipt of the OC, Defendant No. 1 shall take prior permission of this Court.
  - iii. The registration of further Agreements, if any, shall also be subject to further orders passed by this Court.
  - iv. The Corporation shall consider the Application for OC as per the required provisions of law.
4. Save and except the above clarifications, the direction given to the parties to maintain status quo qua the Suit property, shall continue.
5. The Registry, City Civil Court, Mumbai is directed to inform the status of Suit No. 2117 of 1986 as on today, to this Court on or before 1<sup>st</sup> March, 2017.
6. Place the above Notice of Motion for hearing and final disposal on 1<sup>st</sup> March, 2017, at 03.00 p.m subject to numbering.

**( S.J.KATHAWALLA, J. )**