

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

**NOTICE OF MOTION NO. 1154 OF 2019
IN
COMMERCIAL SUIT NO. 633 OF 2019**

Nisar Properties Pvt. Ltd. ... Applicant/Plaintiff

Versus

Jogeshwari Friends Co-operative
Housing Society Limited & Ors. ... Defendants

**WITH
INTERIM APPLICATION NO. 1569 OF 2021
IN
SUIT NO. 127 OF 2021**

**WITH
COMMERCIAL SUIT NO. 633 OF 2019**

**WITH
INTERIM APPLICATION NO. 28 OF 2021
IN
COMMERCIAL SUIT NO. 633 OF 2019**

**WITH
NOTICE OF MOTION NO. 1801 OF 2019
IN
COMMERCIAL SUIT NO. 633 OF 2019**

**WITH
NOTICE OF MOTION NO. 2460 OF 2019
IN
COMMERCIAL SUIT NO. 633 OF 2019**

Mr. Aseem Naphade a/w Mr. Ajay Panickar i/b Ajay Law Associates for the Applicant/Plaintiff in S/127/2021 and Defendant No.1 in COMS/633/2019.

Mr. Zubin Behramkamdin a/w Mr. Vyom Shah, Ms. Dipti Das, Mr. Sunil A. Vyas i/b Dipti Das for the Plaintiff in COMS/633/2019 and Defendant No.1 in S/127/2021.

Mr. Chetan B. Raithatha for Defendant No.2 in IA/28/2021.

CORAM : R.I. CHAGLA, J.

DATED : 8th JUNE, 2022.

ORDER :

1 By this Notice of Motion the Applicant/Plaintiff is seeking direction against Defendant No.1-Society to hand over to the Plaintiff, the approved amended layout plan of Defendant No.2 with details of distribution of the setback FSI benefit as stated in the M.C.G.M's. report bearing No.ChE (Vig.)/427/B dated 30.08.2018 and letter bearing reference No.CHE/WS/0917/K/337(NEW) dated 03.11.2018 which are annexed at Exhibit-Y and Exhibit-CC to the Plaint.

2 Considering that there is a report of Municipal Corporation with regard to details of distribution of setback FSI benefit as well as borne out from letter dated 03.11.2018, it would be relevant for the Mumbai Municipal Corporation to be made Respondent in the Notice of Motion filed by the Applicant/Plaintiff.

3 Accordingly, the Applicant/Plaintiff is directed to join the Mumbai Municipal Corporation as Respondent in Notice of Motion No.1154 of 2019. The Applicant/Plaintiff shall take steps to do so within a period of one week from today.

4 Upon the Mumbai Municipal Corporation being joined, the Notice of Motion No.1154 of 2019 shall be served upon them. The above matters shall be placed for hearing on 28.06.2022 at 2.30 p.m.

(R.I. CHAGLA, J.)