

Sonali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INTERIM APPLICATION NO. 1798 OF 2022

IN

SUIT NO. 112 OF 2022

Pantnagar Shri Ram Co-operative Housing ...Plaintiffs  
Society Ltd.

*Versus*

M/s. Dev Reality Corporation & Ors. ...Respondents

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Mr. Ajit Tamhane a/w. Mr. Kiran Gawalwad, Mr. Rohan Tamhane and Mr. Yash Juwatkar for the Plaintiffs.

Mr. Vachan Bodke a/w. Mr. Aniket Tawade and Mr. Kuldeep Singh for the Defendant Nos. 3 and 4.

Mr. Jitendra B. Mishra, for the Defendant Nos. 6 to 26.

Mr. Mahesh J. Shah, Chairman, Mrs. Uma Suresh Dixit, Secretary and Mr. Shashikant R. Rai, Treasurer of the Plaintiffs-Society are present in the Court.

Mr. Sanjay Ajani-Defendant No.3 and Mr. Bhupendra Kapasi-Defendant No.4 are present in the Court.

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CORAM **Madhav J. Jamdar, J.**  
(Vacation Court)

DATED: **24<sup>th</sup> May 2022**

**PC:-**

1. Heard Mr. Tamhane, learned Advocate appearing for the Plaintiffs and Mr. Vachan Bodke, learned Advocate appearing for the Defendant Nos.3 and 4.

2. After hearing the matter for some time, both the learned Advocates after taking instructions from their respective clients stated that their clients are ready to have some workable arrangement till the Interim Application is heard by the regular Court.

3. Mr. Bodke after taking instructions in the Court from Defendant Nos.3 and 4 makes a statement that the Defendant Nos. 3 and 4 undertake that possession of the shop Nos. 9 and 10 and premises/office Nos. 101, 102, 114, 115, 118 and 119 (*hereinafter referred to as "the said shops/office premises/premises"*) will be handed over to the Plaintiffs-Society on 25<sup>th</sup> May 2022 at 11.00 a.m.

4. Mr. Tamhane states that the Chairman, Secretary and Treasurer of the said Society are present in Court and on their instructions he makes a statement that they undertake that Society will not create any third party right with respect to the said shops/office premises/premises and the same will not be used in any manner whatsoever.

5. Mr. Bodke, learned Advocate appearing for the Defendant Nos. 3 and 4 states that his clients undertake not to create any third party interest with respect to office premises bearing Nos.105, 106, 107 and 108.

6. It is expressly made clear that this arrangement is arrived at without prejudice to the rights and contentions of the parties and till the Interim Application is heard by the regular Court.

7. All contentions of both the parties are expressly kept open.

8. To be listed on scheduled date i.e. 13<sup>th</sup> June 2022.

9. All concerned to act on an authenticated copy of this order.

**(MADHAV J. JAMDAR, J.)**