

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION (L) NO. 21608 OF 2024

IN

SUTT NO. 81 OF 2021

WITH

CONTEMPT PETITION (L)NO. 38094 OF 2024

IN

SUTT NO. 81 OF 2021

WITH

CONTEMPT PETITION (L)NO. 38092 OF 2024

IN

SUTT NO. 81 OF 2021

SHEPHALI  
SANJAY  
MORMARE

Vijaykumar Angrish

...Petitioner

*Versus*

Evershine Builders Pvt Ltd & Ors

...Defendant

Digitally signed by  
SHEPHALI  
SANJAY  
MORMARE  
Date: 2025.02.15  
09:41:24 +0530

**Mr Jehangir Jeejeebhoy**, with *Siddhi Doshi & Rohan Marathe*, i/b ALMT  
*Legal*, for the Petitioner in CONPL/38492/2024.

**Ms Ankita Singhania**, with *Burzin Somandy, Swati Choudahry & Rina  
Ram*, i/b *Tejaswita Somandy*, for the Petitioner in  
CONPL/38049/2024.

**Mr Vikram Nakani, Senior Advocate**, with *Neha Mehta, Aditya Miskita,  
Aayushi Gohil, Umair Merchant & Shiksha Pathak*, i/b M/s. MT  
*Miskita & Co*, for the Plaintiff.

**Mr Kevic Setalvad, Senior Advocate**, with *Tushad Kakalia, Rhea Parkash*,  
i/b *Crawford Bayley & Co*, for the Petitioner in  
CONTPL/21608/2024.

**Ms Kiran Harsora, Authorised Representative of the Plaintiff present.**

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**CORAM: ARIF S. DOCTOR, J**  
**DATED: 14TH FEBRUARY 2025**

**PC:-**

1. Today, when the matter was called out, Mr Nankani, Learned Senior Counsel on instructions from one Mr Laxman Ludhani, who is a Director of the Respondent-Developer submits that each of the Contempt Petitioners shall be paid their transit rent and other benefits under the Development Agreement within a period of ten days from the date of uploading of this order in terms of the orders dated 20th October 2023 and 1st October 2024. Additionally, he submits that respective PAAA shall not contain the following clause.

*“(x)(e) Some of the Aggregate Members instituted various proceedings in Courts challenging the re-development and denying the same. as consequently, Evershine instituted a Suit in the Hon’ble Bombay High Court praying for various reliefs including for evicting the such members. Orders have been recently passed in such proceedings against such members, whereby they have been ordered to vacate their respective Existing Flats; and”*

2. Mr Nankani, Learned Senior Counsel also submits that the Respondent-Developer shall enter into PAAA Agreements with all those members who have valid NOCs issued by Respondent No. 1-Society in their favour.

3. On accepting the above, the Contempt Petitions are disputes of.

4. Mr Setalvad, Learned Counsel appearing on behalf of Petitioner in Contempt Petition (L) No. 21608 of 2024, on instructions from his client, seeks to withdraw the Suit. The withdrawal of the Suit is confirmed by Mr Jeejeebhoy and Ms Singhanian, who appeared for the other Plaintiffs in the Suit. Leave granted as prayed for.
5. The Suit is dismissed as withdrawn.
6. This order is passed subject to all rights and contentions of all parties being kept open.
7. Contempt Petitions are also disposed of in the above terms.

(ARIF S. DOCTOR, J)