

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 126 OF 2014
IN
COMPANY APPLICATION NO.11 OF 2013
IN
COMPANY PETITION N. 806 OF 1988

Shankar Virappa Salian ... Applicant

IN THE MATTER BETWEEN :

Sir Sarupchand Hukumchand Private Limited ... Applicant

And

K.K. Rajan and Anr. ... Petitioners

Versus

The OL of M/s. Trimurti Housing

Development Limited ... Respondent

Mr. S.A. Jabbar i/b. Mr. S.A. Tawate for the Applicant in CA No. 126 of 2014.

Mr. P Samdani, Senior Advocate a/w. Mr. Naik i/b. Dhru and Company for the Applicant in CA No. 11 of 2013.

Mr. Cyrus Ardhesir for the OL.

Ms. Pratibha, Assistant OL, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 25TH MARCH, 2015

P.C.:

1. The above Application is filed by the Applicant for the following reliefs :

“(a) that this Hon'ble Court be pleased to permit the

applicants / interveners to intervene in the Company Application No. 11 of 2013 and they be impleaded as Respondents therein and permitted to contest the same as Respondents and both the aforesaid company applications be heard together and disposed of .

(b) that this Hon'ble Court be pleased to permit the applicants / interveners to make the balance principal payment of cost of plot of land No. 32 amounting to Rs.2,69,136/- (Rupees two lakhs sixty nine thousand one hundred thirty-six only) together with interest @ 15 per annum from the April, 1988 till April, 2013 amounting to Rs.10,09,260/- (Rupees ten lakhs nine thousand two hundred sixty only) aggregating to Rs.12,80,000/- (Rupees twelve lakhs eighty thousand only) to the original applicants herein, on the terms and conditions set out in the earlier precedents – i.e. in similar matters in respect of plot Nos. 29, 30, 33, 32.

(c) that the Hon'ble Court be pleased to order and direct the original applicants herein to execute the conveyance deed in respect of plot No. 32 situated at Trimurti Housing

Complex, Chinchwad, Pune in favour of the applicants / interveners i.e. in the name of the Cooperative Housing Society to be formed by the applicants / interveners, on receipt of the amounts specified in the prayer clause (b) above.

(d) that the Hon'ble Court be pleased to order and direct the Respondent-Official Liquidator being Liquidator of M/s. Trimurti Housing Development Co.Ltd. upon payment of the balance payment of the cost of Plot No. 32 together with interest to the original applicants herein and upon payment of the proportionate security charges to the Official Liquidator to hand over possession of the said Plot No. 32 situated at Trimurti Housing Complex Chinchvad, Pune to the applicants / interveners or their Constituted Attorney and the Official Liquidator be discharged as Receiver of the said Plot No. 32.

(e) that the Official Liquidator being Liquidator of M/s. Trimurti Housing Development Company Limited be ordered and directed to sign the conveyance deed by and between the original applicants and the applicants / interveners ; as

confirming party.

(f) the applicants / interveners be permitted to be demolish the existing R.C.C. frame structure on the Plot No. 32 and construct a new building thereon at their own cost as per the plan approved by the local Municipal Corporation and after obtaining completion and occupation certificate take possession of their respective flats and sell the flats in respect of which Agreements of Sale were not executed / registered and distribute the sale proceeds of such flats amongst applicants / interveners in equal proportions”.

2. Since the dispute pertaining to Plot No. 32 is the subject matter of Suit No. 3462 of 1991 filed in this Court, the Applicant may move an Application seeking his impleadment in the said Suit, which Application if filed, shall be heard and decided on its own merits.

3. The above Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)