

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.232 OF 1991

Tulsidas V. Patel Pvt. Ltd.	 Appellant
V/s.	
D.M. Petiti, Bart. and Others	 Respondents

ALONG WITH

CIVIL APPLICATION NO.1186 OF 2013
IN
APPEAL FROM ORDER NO.232 OF 1991

D.M. Petiti, Bart. and Others	 Applicants
V/s.	
Tulsidas V. Patel Pvt. Ltd.	 Respondent

Ms. Soniya Putta, I/by Mr. J.S. Solomon, Administrator / Receiver of Agent of the Appellant in AO/232/1991 and for Respondent in CAA/1186/2013.

Ms. Ferzana Behram-Kamdin, I/by M/s. FZB & Associates, for the Respondents in AO/232/1991 and for the Applicants in CAA/1186/2013.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH OCTOBER, 2018.

P.C. :

1. In view of the 'Report' of the Collector/Superintendent of Land Records, Mumbai, which is filed on record, Ms. Behram-Kamdin, learned counsel for the Applicants, seeks leave to carry out amendment. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the Applicants and Respondent.
3. Perused the 'Report' of the Collector/Superintendent of Land

Records, Mumbai. In view of the Report dated 24th January 2018, the following order is passed in terms of prayer clauses (a) to (f) of the Civil Application, as follows :-

- (a). *that this Hon'ble Court be pleased to order the Registrar, Bombay High Court (Appellate Side) to unseal the said 'Decree' and thereafter, forward the same to the Taxing Officer in accordance with Chapter XI Rule 6 of the Bombay High Court Appellate Side Rules, 1960, within such time, as is fixed by this Hon'ble Court;*
- (b) *that the Registrar, Bombay High Court (Appellate Side) be directed to annex the map of demarcation bearing Sr. No.MO.R.N 744/2016 dated 24th January 2018, annexed to the letter addressed by the Office of the Collector, Mumbai City to the Assistant Registrar (Civil), High Court, Appellate Side, Bombay, which letter bears No.CSLR/S and LR-2/T-/Malabar Hill/2018 dated 24th January 2018 showing the City Survey Line D, G, H, I, J, K, C and the new Boundary Line L, M, N, O, R, S, T prepared by the Office of the Bombay City Survey and Land Records, pursuant to the order of Hon'ble Shri Justice R.M. Savant dated 21st June 2016 to the 'Consent Decree' dated 20th September 2001 as Exhibit "1A" thereto;*
- (c) *that this Hon'ble Court be pleased to pass an order that the City Survey Line D, G, H, I, J, K, C and the new boundary line L, N, O, M, R, S, T is as shown in the map of demarcation bearing Sr. No. MO.R.N 744/2016, dated 24th January 2018, annexed to the letter addressed by the Office of the Collector, Mumbai City to the Assistant Registrar (Civil), High Court, Appellate Side, Bombay, which letter bears No.CSLR/S and LR-2/T-/Malabar Hill/2018 dated 24th January 2018, are the correct lines*

and the 'Consent Decree' dated 20th September 2001 should be executed accordingly;

- (d) that this Hon'ble Court be pleased to direct the Taxing Officer, Bombay High Court (Appellate Side) to adjudicate the stamp duty payable on the draft 'Consent Decree' or refer the same to the Collector of Stamps for adjudication of the stamp duty payable within such time, as is fixed by this Hon'ble Court;*
- (e) that on the stamp duty being so adjudicated, the Respondents be ordered and directed to pay the same within 7 days from the Respondents being intimated the amount so payable or within such time as this Hon'ble Court may deem fit;*
- (f) that immediately on the adjudicated stamp duty being paid, the Registrar, Bombay High Court (Appellate Side) be directed to seal the said 'Consent Decree' and handover the same to the Applicants for having the same registered with the Office of the Sub-Registrar of Assurances and the Respondents be directed to pay the registration fees payable thereon."*

4. Registrar (Judicial-I) to act accordingly.

5. Appeal from Order, along with Civil Application thereto, stands disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]