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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 233 OF 2013**

IN

SUIT NO. 3204 OF 2009

WITH

NOTICE NO. 345 OF 2013

Sushma Samanta

...Plaintiff

Versus

Jaibala Ashok Zaveri & Ors

...Defendants

WITH

CHAMBER SUMMONS NO. 1355 OF 2016

IN

EXECUTION APPLICATION (L) NO. 916 OF 2015

IN

SUIT NO. 3204 OF 2009

Sushma Samanta

...Plaintiff

Versus

Ashok Suryakant Zaveri (since deceased) through
legal heirs

...Defendants

WITH

CHABER SUMMONS NO. 138 OF 2018

IN

SUIT NO. 3204 OF 2009

Sushma Samanta

...Plaintiff

Versus

Ashok Suryakant Zaveri (since deceased) through
legal heirs

...Defendants

WITH
EXECUTION APPLICATION (L) NO. 742 OF 2015
IN
WRIT PETITION NO. 748 OF 2015
WITH
WRIT PETITION NO. 710 OF 2014
WITH
WRIT PETITION NO. 891 OF 2014
WITH
WRIT PETITION NO. 598 OF 2013
WITH
EXECUTION APPLICATION (L) NO. 916 OF 2015
IN
WRIT PETITION NO. 2499 OF 2012
WITH
SUIT NO. 3204 OF 2009

Sushma Samanta ...Plaintiff
Versus
Voltas Limited Company & Ors ...Defendants

WITH
EXECUTION APPLICATION (L) NO. 1234 OF 2018
IN
SUIT NO. 3204 OF 2009

Sushma Alias Susama Samanta ...Plaintiff
Versus
Ashok Suryakant Zaveri (since deceased) through ...Defendants
legal heirs

Mr Sukumar Samanta, *Plaintiff-in person present.*
Mr Ravi Y Sirsikar, *with Mr Sandeep Patil and Ms Sulakshana*
Kamble, for MCGM.
Mr Arun Kesarkar, *2nd Assistant Master present.*

CORAM: G.S. PATEL, J
DATED: 14th August 2018

PC:-

1. Sushma Samanta is the Decree Holder. She is represented by Mr Sukumar Samanta (“**Samanta**”), who appears in person. He deserves to have strictures passed against him for the persistent harassment he causes every department of the High Court. It is only because he appears *pro se* that I am not actually passing strictures or imposing costs.
2. His entire case in execution is thoroughly misconceived. Sushma Samanta filed Suit No. 3204 of 2009 against one Ashok Zaveri for specific performance. The suit was decreed on 8th March 2010, when Zaveri submitted to a decree. The suit was in respect of an agreement for sale dated 10th October 2008 in respect of three properties. There is no dispute that pursuant to the decree a conveyance was executed on 4th March 2010, and that this was signed by or on behalf of the Decree Holder.
3. There are three schedules to the conveyance corresponding to the descriptions in Exhibit “A” to the plaint of the same three properties. It is best to set out these descriptions because what the Execution Application says, as I have noted in previous orders, defies comprehension and barely qualifies as English.
4. The first schedule to the conveyance speaks of this:

land and buildings at Survey No. B-6 (possible 86), Collector Assessment No.3, C/Ward, on account of properties C/ward No. 722, Old Street No. 74, New Street No. 26, Collector of Land Revenue Old Nos. 285-117, New No. 251, Old survey no. 3509, 3510, 3546 to 3575, 3576. New No.1378 and Cadestral Survey No. 1422 of the Bhuleshwar Division, Mumbai City. The total land admeasuring 117.06 sq mtrs along with the building Dhanji Street, Zaveri Bazar, Mumbai 400 003.

The second schedule reads thus:

The land along with the building situated at C/Ward on account of property C/Ward No. 720-721, Old Street No. 72, New Street No. 28-30, Collector of Land Revenue New No.251, New Survey Nos. 1379, 1381 to 1384 and 1393 and bearing Cadestral Survey No. 1421 of Bhuleshwar Division, Bombay City, the total land admeasuring 84.85 sq mtrs. Along with the building within the Municipal C/Ward jurisdiction Dhanji Street, Zaveri Bazar, Bombay City, Bombay 400 003.

The third schedule reads thus:

The land along with the building situated at E/Ward on account of property E/Ward No. 1513 to 1515, Street No. 20-22, 6, Kamatipura Lane and Street Nos. 33, 35, 37 and 39 Collector of Land Revenue Old Nos. 3973 to 3976 New Nos. 1599 to 1601, land also Old Survey Nos.3545 to 3548 and New Survey No.6203 to 6205 and bearing Cadestral Survey No.681 of Byculla Division, Bombay City the total land admeasuring 98.66 sq mtrs along with building within Municipal jurisdiction E/Ward 6th Kamathipura Lane, Bombay City, Bombay 400 008.

5. The Decree Holder through Samanta has filed application after application. In a previous order dated 6th June 2018, I dismissed a Chamber Summons setting out prayers (b), (c) and (d) of that Chamber Summons simply to show how incomprehensible those were. A single prayer sprawls over three or more pages.

6. I could scarcely credit what I was told by the Registry seeking directions: That Samanta not only takes up endless amounts of time, but he does so in making the most extraordinary demand: that the Registrar-General should deliver possession to him of the entire High Court building, its grounds, furniture, equipment and staff. I told the Registry to list the entire group of matters today.

7. Samanta appears in person. In open Court, I asked him what it is precisely that he claims. He said, to my very great consternation, that his decree entitles him to demand actual physical possession not just of this High Court and its campus, and everything in it, but the whole of the city's 'C' and 'E' wards. He bases this submission — if it can be called that without doing considerable violence to the language — on some reading of the 'street numbers' in the schedules of the property. This is not a finding based on any gleaning from the record. Samanta said so to me in person, and in so many words, in response to three questions I put to him. I first asked him to what it was he claimed to be entitled. He replied saying he had a decree for C Ward and E Ward. I then asked if that meant he was entitled to physical possession of the Bombay High Court. "Yes," he said; and then added that he would pay all salaries (including, presumably, of the judges; I did not care, or even dare, to go further down this particular road). I then asked

on what he based this claim, and he responded by saying that since the decree and the conveyance mentioned street numbers, he was entitled to all properties and lands in those two city wards.

8. I then attempted, perhaps ill-advisedly, to explain to Samanta that he has no suit, no decree and no order against the State Government or the Municipal Corporation of Greater Mumbai, in whom public lands vest; nor against any other property owner or lessee; that a decree for three properties held by one individual cannot be expanded like this; that while many things may be ‘in the cloud’, his decree is not, and that it is not a cloud or a shroud that blankets two city wards; that his decree is limited to three properties, two at Dhanji Street in Zaveri Bazaar and one in Kamathipura in E-Ward; that the High Court is not in Zaveri Bazaar, and it is most emphatically not in Kamathipura. Samanta’s decree is for three properties with an aggregate area of about 209 sq mts. That is about the size of two court halls: the ground coverage of the High Court building is 9,747 sq mts. The campus is even larger, and each of the wards is several square kilometres. His claim is, therefore, not just incorrect. It is entirely without legal foundation and is wholly preposterous.

9. For Samanta to go on and on insisting that he is the ‘owner’ of two entire city wards and all municipal and government lands in those wards, and his incessant barrage of applications and his bombardment of the court offices with thousands of pages of densely packed irrelevancies is an unconscionable and intolerable imposition on court resources, already strained to breaking point,

and on public time and money. Every one of his applications is based on this premise of a mention of street numbers and on nothing else.

10. Enough is enough. Samanta must be stopped. Once and for all: Samanta is not entitled to possession of one millimetre of property beyond the area and the Cadastral Survey numbers of the three properties mentioned in his decree and conveyance. If he has not got possession of the three decreed properties, his remedies are elsewhere, and not in execution against the High Court or the State Government.

11. The Execution Application is dismissed. All interim applications (whether Chamber Summonses or otherwise) are dismissed.

12. The Decree Holder and Samanta are not to directly approach any department, section or officer of this High Court or any other court in Mumbai in regard to the subject decree under any circumstances without specific leave of the Judge taking chamber work. No application of any kind is even to be filed without such leave and the Registry is not to accept or number any such application.

13. A copy of this order is to be forwarded to the Registrar General and the Prothonotary and Senior Master. They are requested to circulate copies to the Section Head of every department of the High Court.

14. The MCGM will not accept any attempt by Samanta to pay assessment or municipal taxes for any properties beyond the three mentioned in his conveyance.

15. The Registrar General is requested to write to the Superintendent of Land Records and the City Survey Officer, enclosing a copy of this order, with a request not to note any changes in any land/property records for any properties in C or E Wards in favour of Sushma Samanta other than the three properties mentioned above, pursuant to the Consent Decree mentioned earlier.

16. The Registrar General and the Prothonotary and Senior Master are also requested to ensure that this entire record is preserved until further orders and that no part of it is sent for destruction even in the routine course.

17. This is a final warning to Samanta. If he attempts to revive these applications, I will refer the matter to the learned Advocate-General for action to prevent vexatious litigation; for Samanta's execution proceedings are nothing if not vexatious in the extreme. Finally, I am putting Samanta to notice that any attempt to revive or renew any execution application in this manner, i.e., beyond the properties decreed, will be summarily dismissed and will be visited with punitive costs equivalent at least to the current market value of the properties that were the subject matter of the suit; and, further, that proceedings in contempt, including criminal contempt for

interference with the administration of justice, will be initiated against the Decree Holder and against him personally.

(G. S. PATEL, J)