

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.121 OF 2019

IN

EXECUTION APPLICATION NO.1150 OF 2014

IN

SUIT NO.1512 OF 2009

Shapoorji Pallonji and Company Ltd.	)	Plaintiff
V/s.		
Jignesh Shah & Ors.	)	Defendants
And		
Rita U.Khanna & Ors.	)	Applicants
And		
The Court Receiver and Anr.	)	Respondents

Mr.Swanand Ganoo I/by Sunita D.Sonawane for applicants.
Ms.Sonam Mhatre a/w Mr.Tejas Gokhale I/by Dhaval Kishore Vussonji
for plaintiff.
Mr.Mayur Khandeparkar I/by Minal J.Chandhani for respondent nos.1
to 5.
[Mr.D.R.Shetty, Court Receiver present].

**CORAM : K.R.SHRIRAM,J
DATE : 28.1.2019**

P.C.:-

1. At the outset, Counsel for the applicants seeks leave to amend the cause title. Leave granted. Amendment to be carried out forthwith.

2. This Chamber summons is for the following reliefs :-

“(a) that this Hon'ble Court be pleased to direct the Court Receiver, High Court, Bombay to execute and register the Sale Agreement in favour of the Applicant and her husband, Mr.Umesh Narian Khanna, (the Respondent No.9), in respect of Flat No.803 on 8th Floor of the Building known as “Crescent Tower”, Near Hill Spring School, Tardeo Road, Janata Nagar, Tardeo, Mumbai-400 034 ;

(b) that this Hon'ble Court be pleased to direct the Court Receiver, High Court, Bombay to hand over the possession of the Flat No.803, situated on the 8th floor of the Building known as “Crescent Tower”, Near Hill Spring School, Tardeo Road, Janata nagar, Tardeo, Mumbai-400 034 to the Applicant. ;

(c) that this Hon'ble Court be pleased to direct the Court Receiver to recognise the husband of the Applicant, Mr.Umesh Narian Khanna, the Respondent No.9 as a Co-owner of Flat No.803, situated on the 8th floor of the Building known as “Crescent Tower”, Near Hill Spring School, Tardeo Road, Janata nagar, Tardeo, Mumbai-400 034”

3. The applicant in response to a public notice issued by the Court Receiver to sell in public auction flats in the building known as Crescent Tower, Near Hill Spring School, Tardeo Road, Janata Nagar, Tardeo, Mumbai-400 004, bid for a flat no.803 on the 8th floor of the building Crescent Tower for a consideration of Rs.5,70,50,000/-. The applicant was declared a successful bidder. It is stated in the affidavit in support that the entire consideration has been paid to the Court Receiver. The Court Receiver is yet to execute the sale agreement in

respect of flat no.803 and hand over possession.

4. The applicant also seeks the name of her husband, respondent no.9 Umesh Narain Khanna be included as co-owner of flat no.803. Mr.Khandeparkar for defendant nos.1 to 5 has no objection. Ms.Sonam Mhatre for plaintiff also has no objection.

5. The Court Receiver also confirms having received the entire consideration and has no objection.

6. In the circumstances, the Chamber summons is allowed in terms of prayer clauses-(a), (b) and (c) as quoted above.

7. It is clarified that as recorded in paragraph-12 of the order dated 27.4.2018, should there be any demand from any authority for additional taxes or charges in respect of the said flat no.803 in Crescent Tower, the applicant and respondent no.9 shall be jointly and severally liable to make payment pro rata. Chamber summons accordingly disposed.

All to act on authenticated copy of this order.

(K.R.SHRIRAM,J)