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

**NOTICE OF MOTION NO. 563 OF 2019
IN
SUIT NO. 966 OF 1982**

A.H. Wadia Trust	... Applicant
<i>In the matter between</i>	
The Kurla Nagrik Sahakari Bank Ltd	... Plaintiff
V/s.	
Chandrashekhar Mahadev Tiwari & Ors.	... Defendants

Mr. Karl Tamboly with Mr. Levi Rubens with Mr. Sushant Arora, Mr. Maneesh Trivedi and Sheetal M I/b Vigil Juris for the Applicant.
Mr. Shivaji Lanke with Vijay Dighe, AOR for Plaintiffs.
Mr. Rane, Representative for Plaintiff Bank.
Ms. Mona D. Vyas I/b. M.H. Ansari for Respondent Nos.1 to 5.
Mr. R.R. Verma, for Respondent Nos.6 to 10.

CORAM:	R. I. CHAGLA, J.
DATE:	20TH SEPTEMBER, 2019

PC:-

1. This Notice of Motion appears to have been filed to set aside the judgment and decree dated 28th August, 2000 in Suit No.966 of 1982 by alleging that the Plaintiff in that Suit had collusively relied upon illegal, false and fraudulent claim of Defendant No.1 that he is the owner of the Suit land, when according to the Applicant that he is not and the Applicant is the owner of the Suit land.
2. A general consensus is arrived at by the parties to the Notice of Motion that there will be no dispute insofar as the Applicant being the owner of the Suit land. It appears that the only dispute which really remains is with respect to the structure which has been constructed on the suit land and regarding the redevelopment of the structure. It has been agreed between the

parties including the Applicant that they will jointly apply to the Court Receiver for having the structure on the Suit land redeveloped and that the Applicant will give his no objection for the redevelopment subject to the Applicants rights in the Suit land being protected. The Court Receiver shall also determine whether the Applicant is the owner of the Suit land. The no objection shall be obtained from the Applicant upon the Applicant establishing itself as the owner of the Suit land and the no objection shall in turn be subject to the permission obtained by the Applicant under Section 36 of the Maharashtra Public Trust Act. Accordingly, the appointed Court Receiver is directed to entertain the joint application of the parties to the Notice of Motion for the redevelopment of the structure on the Suit land and the Court Receiver shall file a report in this Court as to the redevelopment which shall be effected on the Suit land as well as record a finding on the issue of ownership of Applicant of the Suit land. The Court Receiver shall also in his report state as to whether the Applicant has given its no objection for redevelopment of the structure on the Suit in the event that it is found that the Applicant is the owner thereof as well as the steps taken for redevelopment.

3. Considering that, the general consensus has been arrived at by the parties in the Notice of Motion, the Notice of Motion is disposed of in the above terms.

4. Upon entertaining the respective claims of the parties to the Notice of Motion, the Court Receiver shall file his report within a period of six weeks from the date of this Order.

(R I. CHAGLA, J.)