

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1 OF 2020
AND
NOTICE OF MOTION (L.) NO.447 OF 2019
IN
EXECUTION APPLICATION NO.1150 OF 2014**

Manish Arvind Shah & Ors.	..Applicants/Purchasers
Shapoorji Pallonji & Co. Ltd.	..Plaintiff
Vs.	
Jignesh Shah & Ors.	..Defendants
And	
Court Receiver, High Court, Bombay	..Respondent

Mr.Tejas Shah and Ms.Radhika Nair i/b.Dhawal Vussonji & Associates for Plaintiff/org.Applicant.

Mr.Ravish Mishra for Applicants in IA.

Mr.Sagar Patil with Mr.D.S. Shingade for MCGM.

Mr.Santosh Dhuri, representative of Court Receiver.

**CORAM : G.S. KULKARNI, J.
DATE : 29th JANUARY 2020**

P.C.:

Heard learned Counsel for the applicant, learned Counsel for the plaintiff and learned Counsel for defendant No.6/MCGM.

2. This is an application whereby the applicant prayed for the following reliefs:-

“(a) this Hon’ble Court be pleased to modified the order dated 3rd May, 2019 passed by this Hon’ble Court in Notice of Motion (L.) No.447 of 2019, to the extent that name of purchaser be replaced by name of 1)Smt.Elaychiben Babulal Jain 2) Smt.Bina Gautam Jain 3)Mr.Gautam Babulal Jain 4)Mr.Babulal Malaji Jain

(b) this Hon’ble Court be pleased to direct Respondent to grant “No Objection Certificate” in respect to transfer of flat No.2002 situated at building know “Crescent Tower” at M.P. Compound, Tardeo, Mumbai-400034 in favor of 1)Smt.Elaychiben Babulal Jain 2) Smt.Bina Gautam Jain 3)Mr.Gautam Babulal Jain 4)Mr.Babulal Malaji Jain

(c) In alternate, this Hon’ble be pleased to allow the Applicants to sell flat No.2002 situated at building know

“Crescent Tower” at M.P. Compound, Tardeo, Mumbai-400034 in favor of 1)Smt.Elaychiben Babulal Jain 2) Smt.Bina Gautam Jain 3)Mr.Gautam Babulal Jain 4)Mr.Babulal Malaji Jain”

3. By an order dated 3 May 2019 this Court (G.S. Patel, J.) had permitted the applicants to sell Flat No.2002 on the 20th Floor of Crescent Tower at MP Compound, Tardeo, Mumbai-400034 to one Jairaj Harshad Thakkar and Payal Jairaj Thakkar (for short, “Thakkars”). However, it is informed that the sale in favour of Thakkars could not proceed and now the applicants have found out new buyers namely 1)Smt.Elaychiben Babulal Jain 2) Smt.Bina Gautam Jain 3)Mr.Gautam Babulal Jain 4)Mr.Babulal Malaji Jain, who will be joint purchasers of the flat. In the aforesaid circumstances, the applicants pray that the order dated 3 May 2019 be accordingly modified and permission be now granted to sell the said flat in favour of the new purchasers.

4. Learned Counsel for the plaintiff has no objection. Defendant No.1 although served is not appearing. The Court Receiver would not have any objection to the prayer being granted. Accordingly the application is allowed in terms of prayer clause (a) which reads as under:-

“(a) this Hon’ble Court be pleased to modified the order dated 3rd May, 2019 passed by this Hon’ble Court in Notice of Motion (L.) No.447 of 2019, to the extent that name of purchaser be replaced by name of 1)Smt.Elaychiben Babulal Jain 2) Smt.Bina Gautam Jain 3)Mr.Gautam Babulal Jain 4)Mr.Babulal Malaji Jain.”

5. Notice of Motion along with Interim Application is disposed of in the above terms.

6. Execution Application stands adjourned to 12 February 2020.

7. Parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]