

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 68 OF 2021

Amit Jotwani

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

...

Mr. Karansing Rajput for Petitioner.

Ms. Kausar Banatwala a/w. Ms. Gauri Sakhardande i/b. Tushar Goradia for
Respondent Nos. 5 and 6.

Mr. S.R. Shinde, APP for State.

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**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE : JANUARY 20, 2021.

P.C.:

1. Learned counsel appearing for the Petitioner and contesting respondent jointly pray for modification of the interim order dated 05.01.2021 passed by this Court (Coram: S.S. Shinde & M.S. Karnik, JJ.). It is submitted by the learned counsel appearing for the parties that the keys of the flat are retained by the Secretary of the Respondent No. 4 society in view of the order passed by this Court on 05.01.2021. Now the suit is pending before the learned Single Judge, wherein the parties have willingly submitted to consent order for appointment of court receiver. They jointly pray that this Court may direct the Secretary of Respondent No. 4 society to handover the keys to the court receiver.

2. On 05.01.2021 this Court directed the Secretary of Respondent No. 4 society to open the flat on 09.01.2021 in between 11.00 a.m. to 1.00 p.m. and further directed to prepare inventory and allow the petitioner and applicant no. 2 to inspect the flat, and after said process was complete the flat should be locked and keys shall be retained with the Secretary of the said society.

We clarify that the parties are free to make such prayer before the learned Single Judge for seeking direction to the Secretary of Respondent No. 4 society to handover the keys of the flat to the court receiver, and observation made in the order dated 05.01.2021 shall not be construed as an impediment by the parties to seek such direction to the Secretary of said society to handover the keys of the flat to the court receiver.

3. In view of order passed by this Court on 10.12.2020, further steps taken pursuant to the said order and the fact that now suit is pending before the learned Single Judge, we do not think it appropriate to keep this petition pending for further adjudication. In that view of the matter, the writ petition stands disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)