

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

**INTERIM APPLICATION NO.1148 OF 2022
IN
FIRST APPEAL NO.193 OF 2022
WITH
FIRST APPEAL NO.193 OF 2022**

Melville Lucian Aranha

...Appellant

Versus

Melanie Joan Carmel Pinto

...Respondent

....

Mr. Rajesh R. Dixit for the Appellant.

Mr. Johnson John for the Respondent.

Mr. D.S. Choudhari, Court Commissioner & Deputy Sheriff, present in Court.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 2nd MARCH, 2022.

P.C.:-

1. The Appellant herein has challenged the judgment dated 24/01/2022 whereby the learned Judge, City Civil Court, Greater Bombay has decreed the suit and has declared the Respondent -Plaintiff to be the owner of the suit flat to the extent of 25%. Further directions are issued to sell the flat in public auction with option to the parties to participate in the auction. Registry is also directed to appoint the Court Commissioner for conducting the auction.

2. By order dated 15/02/2022 Deputy Sheriff was appointed as the Court Commissioner to execute the order of public auction as per law. It is stated that in the meeting held on 01/03/2022 M/s. H.G. Samant and associates were appointed as a valuer to value the suit flat. Directions were given to the valuer to submit the valuation within two weeks.

3. Learned counsel for the Appellant states that he is ready to pay 25% of the share of the Respondent -Plaintiff as per the valuation within a period of eight weeks from the date of receipt of the valuation report. Both the parties to bear fees of the valuation in proportion to their respective share i.e. 75% and 25% respectively.

4. With consent, the appeal stands disposed of in above terms.

5. Civil /Interim Applications, if any, stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)