

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5227 OF 2017
WITH
INTERIM APPLICATION NO. 1409 OF 2023
WITH
CIVIL APPLICATION NO. 2006 OF 2019

J.S. Solomon & Anr.

.. Petitioners

Versus

District Registrar and Collector, Mumbai City &
Ors.

.. Respondents

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- Mr. Gautam Ankhad a/w Mr. Devansh Shah i/by Vidhi Partners for Petitioners
 - Mr. Darshan Mehta i/by M/s. Dhruve Liladhar & Co for Respondent No. 2
 - Mrs. Madhubala Kajle, 'B' Panel counsel for State
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2023

P.C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Perused Interim Application No. 1409 of 2023. Also perused the orders passed by this Court which are mentioned in the Interim Application.
- 3.** Mr. Mehta, learned Advocate for contesting Respondent would fairly submit and consent to the impleadment / substitution of the new Administrator as Applicant / Petitioner No. 1 in the Writ Petition as also in Civil Application No. 2006 of 2019.

4. In view of the above and in view of the order passed by the Division Bench of this Court to which I was a party, substitution of the name of Administrator needs to be allowed.

5. Hence, Interim Application No. 1409 of 2023 is allowed and disposed of in terms of prayer clause (a) save and except any consequential amendments which are sought for therein.

6. Considering the nature of the dispute between the parties as stated in the pleadings, the following order is passed by consent of the parties:-

7. On 05.04.1980, a tripartite agreement was executed between Respondent NO. 2 and one Bombay Builders Company Pvt Ltd wherein two separate and independent transactions were to be executed:

- (i) Sub lease of land and
 - (ii) Conveyance of the superstructure standing on the land.
- There is no dispute on the registration of the conveyance.

8. The dispute is on the registration of the indenture of sub-lease of the land which was executed on 22.04.1980 and remained unregistered until 15.03.2007.

9. Between 2007 and 2009, there are correspondences challenging the registration on several grounds. On 10.05.2010,

Petitioner No. 2 filed a complaint under Section 68 of the Registration Act, 1908 before Respondent No. 1 seeking cancellation of the registration of the indenture of sub-lease on several grounds.

10. On 04.12.2015, the Collector passed the impugned order rejecting the complaint under Section 68 of the Registration Act. That is impugned in the present Writ Petition. On 13.08.2019, the Writ Petition was dismissed for want of prosecution.

11. Meanwhile there has been a change of attorneys as well as the Administrator / Receiver pursuant to the orders dated 16.11.2021 and 20.01.2022 of this Court.

12. Without going into the merits of the matter, the Petitioners are granted liberty to file a civil suit to agitate their rights. The status quo as of today shall continue for a period of six weeks. All rights and contentions of all parties are kept open.

13. In view of the above, the Writ Petition and all Interim & Civil Applications are disposed of accordingly.

[MILIND N. JADHAV, J.]

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