

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

**INTERIM APPLICATION NO. 7812 OF 2023
IN
FIRST APPEAL NO. 672 OF 2022**

Tanishka Reality LLP ...Applicant
Versus

Kishor Jamnadas Morzaria and Ors. ...Respondents

Mr.Dushyant Tejpal i/by Mr. Tejpal and Co., Advocate for applicant.

Mr. Simil Purohit, Mr. Rubin Vakil a/w Mr. Manish Doshi and Ms. Heena T. i/by Vimadalal and Co. for Applicant/Intervener.

Mr. Pradeep Thorat a/w Ms. Sakshi Agarwal i/by Mr. Bipin Joshi for Respondent No.1 and 2.

Mr.B. G. Saraf for Respondent No.4.

Mr. Faran Khan i/by Gojaria and Co. for Respondent No.5.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 31st OCTOBER 2023

PC.:

1. This is an application filed by third party applicant/developer seeking directions to the Court receiver to hand over vacant and peaceful possession of the suit premises, being shop No.2 on the ground floor in the building known as Vikrant Constructed on leasehold land bearing CTS No. 5987 (part) on Final Plot No.6 of TPS III of Village Ghatkopar-Kirol, Mumbai and also permitted to intervene in the first appeal.

2. Application is not opposed by the respondents. Admittedly, the suit premises is in possession of Court

receiver since 2012. All the members of respondent/co-operative society have vacated their premises and since only suit premises has remained in possession of the Court receiver, applicant is not in position to re-develop the property. In this view of the matter, following order is passed:-

- (i) Permission is granted to the Applicant to intervene in the First Appeal.
- (ii) Court receiver is directed to hand over vacant and peaceful possession of the suit premises shop No.2 on the ground floor, in the building known as 'Vikrant' Constructed on leasehold land, bearing CTS No. 5987 (part) on Final Plot No.6 of TPS III of Village Ghatkopar-Kirol, admeasuring approximately 5469.10 sq. mtrs. Of TPS-III of Ghatkopar, lying being and situate at Junction of Tilak Nagar, 60 feet road and 90 feet road, Ghatkopar (East), Mumbai-400077, to the applicant.
- (iii) This shall be without prejudice to the rights and contentions of the parties.
- (iv) Statements made in paragraph 7 of this application by applicant are accepted as undertaking of this Court.

(NITIN B. SURYAWANSHI, J.)