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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**INTERIM APPLICATION NO. 2875 OF 2022
IN
COMMERCIAL ARBITRATION PETITION NO. 278 OF 2021**

Vijay Pherwani and Ors.	.. Applicants
<u>IN THE MATTER BETWEEN:</u>	
Kakkad Estate Residents Welfare Association and Ors.	.. Petitioners
Versus	
M/s. Silver Land Developers Pvt. Ltd.	.. Respondents

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- Mr. Deep Thakkar, Advocate for Applicant.
 - Ms. Yogini Gada, Advocate for Petitioner No.1.
 - Mr. Ayush Khandelwal, B. Gaggar and Ms. Shivani Prasad i/by TRD Associates for Respondent Nos.1, 2 and 3.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2023.

P.C.:

1. Heard Mr. Thakkar, learned Advocate for Applicants; Ms. Gada, learned Advocate for Petitioner No.1 and Mr. Khandelwal, learned Advocate for Respondent Nos.1, 2 and 3.

2. The present Interim Application has been filed by two Applicants who are the tenants and one legal heir of tenant of Kakkad Estate Residents Welfare Association seeking withdrawal of amounts which are lying deposited with the learned Prothonotary and Senior Master of this Court pursuant to the orders passed by this Court. List of the tenants alongwith the amounts required to be paid over to them

is at page No.39 of the Application. Save and except 4 tenants, the other tenants have already been paid over their amounts. In the said list, tenant / occupant at Sr. No.3 and 4 i.e. Vijay N. Pherwani is Applicant No.1, tenant / occupant at Sr. No.75 i.e. Neelima Chapatwala is Applicant No.2 and tenant at Sr. No.80 is Mavji Virji Vora, since deceased, represented by his legal heir i.e. Applicant No.3. In so far as Applicant No.3 is concerned, necessary averments have been made to that effect that Applicant No.3 is the legal heir of deceased tenant entitled to the amounts.

3. I have perused paragraph No.9 of the Application it refers to the registered Deed of Release dated 01.09.2021 duly effected by the other legal heirs of deceased namely wife, one son and two daughters of the deceased tenant Mavji Virji Vora. Applicant No.3 is also the son of deceased tenant Mavji Virji Vora. The copy of the registered Deed of Release is at Exhibit 'E' to the Application.

4. In view of the above, Interim Application stands allowed with a direction to the learned Prothonotary and Senior Master of this Court to release the amounts as shown / entitled to the tenants / occupants at Sr. Nos.3 and 4, Sr. No.75 and Sr. No.80 as stated in the list at page Nos.39 and 40 appended to Exhibit 'C' of the present Application after due verification and in accordance with law.

5. Learned Advocates would inform the Court that in so far as tenant at Sr. No.82 i.e. Manaben Patel is concerned, there is a legal dispute between her legal heirs at present and the amount of this particular tenant shall remain in this Court until an Application is made for withdrawal of the same.

6. Respondent No.1 has made an oral Application stating that pursuant to the disbursal of the amounts to the tenants / occupants as per their entitlement, the balance remaining amount should be released to the Respondent No.1.

7. Respondent No.1 is at liberty take out an appropriate Application, if so advised.

8. Interim Application is disposed.

[MILIND N. JADHAV, J.]

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