

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15463 OF 2023

Daryoush Shapur Khavarian & Ors.

..... Petitioners

VERSUS

Vishal Jayendra Jhaveri & Anr.

..... Respondents

Mr.Jaydeep Deo for the Petitioners.

Mr.Rushikesh S. Kekane for the Respondents.

CORAM: RAJESH S. PATIL, J.

DATE : 19 JANUARY, 2024

P.C. :-

Both the learned counsel agree and submit that this writ petition can be disposed of with a direction that the Articles/belongings of the petitioner lying in the suit premises i.e. Flat No. 3, 1st Floor, Ronak Ratnashree, 260, Annie Besant Road, Worli, Mumbai – 400 030 as per the inventory of the Bailiff of the Small Causes Court be allowed to be removed and taken away by the petitioner.

2. All the rights and contentions of the parties are kept open.

3. The petitioner and the respondents are permitted to remain present when the petitioner takes over all the Articles/belongings from the suit premises.

4. The petitioner has submitted that tomorrow i.e. on 20 January, 2024 at 11.00 a.m., the petitioner will remain present at the suit premises to take away Articles/belongings.

5. The Bailiff of the Small Causes Court should also remain present when the petitioner takes over the Articles/belongings.

6. All the parties will co-operate while this exercise is done.

7. Needless to say that since the parties have agreed that the petitioner be allowed to take away the Articles/belongings from the suit premises, there will be no question of auction of such Articles/belongings.

8. Writ petition is accordingly disposed of.

9. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]