

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12969 OF 2024

IN

FIRST APPEAL NO. 383 OF 2021.

Rafique A Tejani And Anr.

...Applicants.

IN THE MATTER BETWEEN

Pushpaben Prabhudas Jamnadas
(Deleted/Since Deceased)

Thr. Lrs Prabhudas Vora & Ors

...Appellants.

Versus

Tulsidas V Patel Private
Ltd.,Bombay Thr. Its
Administrator/Receiver

...Respondent.

*Mr. Kotwal a/w. Ms.Gaurangi Pujara, Ms.Isha Bafna, Ms.Vinisha Bhavani for
the Appellant.*

Mr.Rahul Soman, for Respondent No.1.

*Mr.Cherag Balsara, a/w Mohit Arora i/by Desai and Diwanji
for the Respondent Nos.4 and 5*

Mr. Jamshed Master i/by Natasha Bhot, for Respondent No. 6.

Coram : Sharmila U. Deshmukh, J.

Date : September 30, 2024.

P. C. :

1. Interim Application has been preferred seeking a direction to permit the Applicants who are the Original Respondent Nos. 4 and 5 to grant license for the use and occupation of Flat No. 23, admeasuring 3,800 sq.ft situated on the 20th floor of Kanchanjunga Building, 72, Dr. G. Deshmukh Marg, Peddar Road, Mumbai. The said Application is filed

seeking permission in view of the order dated 4th December 2021, which records in paragraph 6 that the undertaking recorded in the order dated 6th July 1989, in Notice of Motion No. 489 of 1988, in the Original Suit No. 1868 of 1983, furnished by the Respondent Nos. 2 to 5 shall continue to operate till 22nd December 2021. The said order has been passed in Interim Application No. 2825 of 2021, which has been taken out by the Original Appellant. By subsequent orders the undertaking was continued and by order dated 30th November 2022, (CORAM:- R.I. CHAGLA, J.) read with the order dated 27th January 2023, the statement made by the Applicant herein had been agreed to be continued till the hearing and final disposal of Interim Application No. 2825 of 2021.

2. By this Interim Application, as infact, what is sought is the modification of the order dated 30th November 2022, read with order dated 27th January 2023, the Interim Application is required to be placed before the same Court (CORAM:- R.I. CHAGLA, J.).

3. Registry is directed to list the Interim Application No. 12969 of 2024, before the same Court as the application seeks modification of the order passed on 30th November, 2022 read with order dated 27th January, 2023.

[Sharmila U. Deshmukh, J.]