

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13623 OF 2024.

IN
FIRST APPEAL NO. 933 OF 2018.

Shri. Ranjit Madhukar Patil

...Applicant/
Appellant.

Versus

Shri. Kashinath Shankar Bhosale-Deseased-Through ...Respondents.
Lrs, 1-A)Smt.Nilima Sanjay Satam And Ors.

Mr. Vishwajeet Kapse i/by Sameer Bhalekar for the Applicant/Appellant.
Ms. Aditi Naikare for the Respondent No. 1-a.
Ms. Nandini Deshpande 1st Asst to Court Receiver Office.

Coram : Sharmila U. Deshmukh, J.

Date : February 25, 2025.

P. C. :

1. Interim Application has been preferred by the Applicant seeking true and complete disclosure from the Respondent No. 1-a as regards the status of the suit premises, correspondence received by her from the Developer etc and for direction to the Court Receiver to take necessary steps to secure possession of the premises to be allocated in view of the suit premises.

2. Learned Counsel appearing for the Applicant would submit that by order of 11th October, 2018 the Court Receiver was appointed and the Respondent was handed over the possession of the suit premises as agent of the Court Receiver on depositing Rs. 1,500/- p.m.

He would further submit that the Applicants subsequently learnt that an agreement was executed with the Developer pursuant to which the premises have been demolished and transit rent is being received by the Respondent No. 1. He submits that in view of the order dated 11th October, 2018 the transit rent is required to be deposited in this Court.

3. Learned Counsel appearing for the Respondent would oppose the Application and would submit that as far as the true and complete disclosure by Respondent No. 1-a is concerned the same has been worked out in proceedings before the Small Causes Court as the disclosure as sought by the Applicant had already been made and as far as prayer clause (b) is concerned the new premises have not yet been constructed and therefore the Interim Application is required to be dismissed. She would further submit that as far as the payment of transit rent is concerned firstly there is no prayer sought in the Interim Application for deposit of the transit rent and secondly the Respondent No. 1-a being the occupier of the premises the transit rent, if any, is liable to be paid to the Respondent No. 1-a.

4. I have considered the submissions and perused the record.

5. Interim Application is restricted to only two prayers as far as the true and complete disclosure by the Respondent No. 1-a which has already been worked out as the disclosure has been made in the Small Causes Court which has not been disputed by learned Counsel

appearing for the Applicant. As regards the prayer for securing the possession of the new premises, it is not disputed that the old premises has been demolished and as of today the new premises has not been constructed and therefore there is no question of handing over possession of the new premises. The contention which has been raised by the learned Counsel appearing for the Applicant as regards the deposit of the transit rent in the Court the Interim Application does not find place in the Interim Application.

6. It is open for the Applicant to take out an appropriate application seeking appropriate relief so that the same can be adjudicated.

7. In light of the above, the Interim Application stands disposed of.

[Sharmila U. Deshmukh, J.]