

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARJUN
VITTHAL
KUDHEKAR

WRIT PETITION NO.2072 OF 2025

Gopama Raviraj Gowda

...Petitioner

Versus

Deepak Prithviraj Jain & Ors.

...Respondents

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ARJUN VITTHAL
KUDHEKAR
Date: 2025.03.04
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Mr. Jaydeep Deo a/w Anvil S. Kalekar, for the Petitioner.

Mr. Surel Shah, Senior Advocate a/w Jarin Mukesh Doshi, Harsh Sukhramani i/b Malvi Ranchoddas & Co., for Respondent No.1.

Mr. S. K. Dhekale, Court Receiver, High Court, Bombay, present.

Mr. N. C. Pawar, OSD, Court Receiver, High Court, Bombay, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 04 MARCH 2025

P.C.:

1. The Court Receiver, High Court, Bombay tenders Court Receiver Report No.8 of 2025. It is stated in the said Report that possession of the suit premises has been taken by the Court Receiver pursuant to Order dated 18th February 2025 passed by this Court.

2. Heard Mr. Jaydeep Deo, learned Counsel for the Petitioner and Mr. Surel Shah, learned Senior Counsel for Respondent No.1.

3. Mr. Surel Shah, learned Senior Counsel for Respondent No.1 tenders Reply.

4. After arguing the matter for some time, both the learned Counsel state that the Writ Petition be disposed of by passing following Order by consent of the parties :-

- (i) The Court Receiver, High Court, Bombay is directed to handover possession of the suit premises to the Petitioner within a period of 1 week from today.
 - (ii) Accordingly, Order dated 29th June 2024 passed by the learned Judge, Small Causes Court at Mumbai below Exhibit - 22 in RAE Suit No.1158 of 2021 as well as Order dated 14th January 2025 passed by the learned Appellate Bench of the Small Causes Court at Mumbai in Revision Application No.198 of 2024 are quashed and set aside.
 - (iii) In the facts and circumstances of this case, the hearing of RAE Suit No.1158 of 2021 is expedited. The learned Trial Court is requested to make endeavour to dispose of the said RAE Suit No.1158 of 2021 on or before 30th April 2026.
 - (iv) It is clarified that the observations made in Order dated 18th February 2025 are prima facie observations and the learned Trial Court to decide the said Suit without influenced by the said observations.
 - (v) It is further clarified that all contentions on merits are expressly kept open.
5. The Court Receiver Report No.8 of 2025 is disposed of in terms of Clause No.4(i) of this Order. The Petitioner to pay cost of Rs.5,000/- as charges of the Court Receiver Report No.8 of 2025. The Petitioner also

to pay charges/cost of the Court Receiver.

6. The Court Receiver, High Court, Bombay stands discharged after handing over the possession of the suit premises to the Petitioner without passing of accounts.

7. Mr. Jaydeep Deo, learned Counsel for the Petitioner, on instructions of the Petitioner, who is personally present in Court, states that the Petitioner will not create any third party right, title and interest with respect to the suit premises. The said statement made by the Petitioner is accepted as undertaking given to the Court. The Petitioner to file undertaking in this Court within a period of 1 week from today.

8. It is clarified that if the said undertaking is violated, then the Petitioner will be liable for action for committing contempt of this Court as well as the Petitioner will require to vacate the suit premises as the possession has been handed over to the Petitioner pursuant to this Order.

9. The Writ Petition is disposed of in above terms with no order as to costs.

10. The record which has been received from the Small Causes Court at Mumbai be returned back to the Small Causes Court at Mumbai.

[MADHAV J. JAMDAR, J.]