IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4250 OF 2025

M/s. Shree Durga Trading Company
through its Partner
Salim N. Shamsi …Petitioner

Versus

Ateeq Anwar Agboatwala & Ors. …Respondents

Mr. Saeed S. Shaikh, for the Petitioner.
Mr. Kevil Setalwad, Senior Advocate a/w. Mr. Jehan Lalkaka, Mr. Nimish Kothare, Mr. Nikhil Mutha and Ms. Ashwini Sonawane i/b. M/s. Nanu Hormasjee & Co., for the Respondent Nos.1 to 6.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th APRIL 2025

P. C.:

1. This Court has passed the following order on 26th March 2025:

> "*1. Mr. Kazi, learned Counsel for the Petitioner, on instructions, of Mr. Salim Shamsi, partner of the Petitioner states that in compliance with the undertakings given to the Supreme Court, the possession of the suit premises would be handed over to the Respondents on or before 6th April 2025.*
>
> *2. Accordingly, stand over to* ***7th April 2025*** *to report compliance of this Order.*"

2. Despite the said order, the possession of the suit premises has not been handed over on or before 6th April 2025. It is required to be noted that the Petitioner has given undertaking to the Supreme Court that the possession of the suit premises would be handed over to the Respondent No.1 on or before 6th April 2025.

3. Mr. Saeed Shaikh, learned Counsel appearing for the Petitioner, on the instructions of the Petitioner-Salim N. Shamsi, states that today on or before 05:00 p.m., possession of the suit premises will be handed over to the Respondent No.1.

4. The said statement made by the learned Counsel appearing for the Petitioner in the presence of and on the instructions of the Petitioner-Salim N. Shamsi, who is personally present in Court is accepted as undertaking given to this Court.

5. It is further clarified that if the said statement is breached, apart from the action of contempt, this Court will be constrained to appoint the Court Receiver to take physical possession of the suit premises.

6. Stand over to 8th April 2025 for ensuring the compliance of this order.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

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Date: 2025.04.07 15:34:01 +0530