

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA
NAIK
Date:
2025.10.01
12:15:36
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 8405 OF 2025
IN
CIVIL REVISION APPLICATION 1051 OF 2010**

Vivek Madhavlal Pittie
IN THE MATTER BETWEEN
Vivek Madhavlal Pittie
V/S
Shekhar N. Shetty

....Applicant

....Applicant

....Respondent

Mr. Bhushan Deshmukh a/w. Adv. H. Meghani, Adv. A. Unnikrishnan, Adv. Urvi Gulechha, Adv. Ishani Saxena i/b. Jadeja & Satiya for the Applicant
Adv. D. K. Jain i/b. Adv. Divya Jain for the Respondent No. 1 & proposed Respondents in CRA/1051/2010

CORAM : M. M. SATHAYE, J.

DATED : 22nd SEPTEMBER 2025

P.C.:

1. Heard learned counsel for parties.
2. This is an Application by revision Applicant. The Applicant is appointed as a receiver under order dated 13/04/2018 in Notice of Motion (L) No. 916 of 2018 in Suit No. 224 of 1961. Pursuant thereto, vide common order dated 20/02/2019 passed in CA Nos. 602 and 603 of 2018 in present revision Application and companion matter, the Applicant was impleaded in his capacity as Receiver.
3. The Application is filed seeking to bring on record legal heirs of the deceased / Respondent No. 1 – Shekhar Narayan Shetty. Names of the

proposed Respondent Nos. 1A to 1D are given in the Schedule-A. As per office note Interim Application is filed within time.

4. The Application is also seeking an order of interim injunction under prayer clause (b), restraining the proposed Respondent Nos. 1A to 1D from in any manner alienating, transferring, encumbering, creating third party rights over and/or dealing with the suit premises and/or transferring the same to third person and/or induct a third party without consent of the Applicant, during pendency of the Revision Application. Prayer is made in respect of suit premises in RAE Suit No. 217/440 of 1998.

5. Learned Counsel for the parties jointly invited this Court's attention to Affidavit-in-Reply filed by the proposed Respondents wherein it is stated as follows:

"14. xxx We will not in any manner jeopardize the rights in the suit premises. However, we may continue to exercise all or any of the rights in respect of the said premises which are permissible within the confines of law, without in any manner affecting our tenancy rights in respect of the suit premises.

15. With reference to para 9 of the said Application, I deny that we may seek to monetize the suit premises for our benefit or may create third party rights or transfer the suit premises to third parties or a third party. I deny that we do not have any right to the suit premises. I deny that it is necessary to pass an Order restraining us from creating any third party rights or part with possession of the suit premises. I reiterate that Respondent No.1 being the tenant and we i.e. Proposed Respondent Nos.1 to 3 being the heirs of late Shekhar Narayan Shetty (Respondent No.2), have no intention whatsoever of subletting or creating any third party right, title and/or interest in respect of the tenancy relating to the suit premises. xxx "

6. Statements made by the proposed Respondents as indicated above are recorded. Considering the said statements, it is not necessary to deal with

the prayer clause (b) of the Application any further.

7. In that view of the matter, the **Interim Application is disposed of** in above terms and by granting permission to bring proposed legal heirs of deceased / Respondent – Shekhar Narayan Shetty on record as prayed. Amendment as per schedule A to be carried out within a period of two weeks from today with amended copy served on other side.

(M. M. SATHAYE, J.)