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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 1126 OF 2012**

Kalawatidevi D/o. Devidayal ... Petitioners

Singh

Vs.

Maharashtra Housing and ... Respondents

Area Development Authority and Another

**WITH
INTERIM APPLICATION NO. 12607 OF 2025
WITH
REVIEW PETITION (ST) NO. 33865 OF 2025
IN
CIVIL REVISION APPLICATION NO. 1126 OF 2012**

Sayed Nazia Mohd. Iqbal @ ... Petitioner

Sayed Nazia Shadab Khan

Vs.

Kalawatidevi D/o. Devidayal ... Respondent

Singh

Mr. Ram Upadhyay for the Applicant in CRA/1126/2012.

Mr. Y. E. Mooman a/w. Ms. Manisha B. Gawade for the
Petitioner in RPC(ST) /33865/2025.

Ms. Nandini Y. Deshpande, 1st Asstt. To Court Receiver.

CORAM : GAURI GODSE, J.

DATE : 4th NOVEMBER 2025

ORDER :

Interim Application No. 12607 of 2025

1. Learned counsel for the applicant seeks leave to withdraw this application as the applicant has already filed review petition.
2. Leave granted.
3. Interim Application is disposed of as withdrawn.

Review Petition (St) No. 33865 of 2025

4. This review petition is filed by the party who was added in the Civil Revision Application. The petitioner claims to be the heir and legal representative of deceased defendant no. 2. The petitioner seeks to review the judgment and order dated 30th September 2025 by which the Civil Revision Application is allowed. By the order under review the suit filed by the plaintiff under Section 6 of the Specific Relief Act, 1963 is decreed.
5. Learned counsel for the petitioner submits that the petitioner's intervention application was allowed after this court had made up its mind about the decision in the Civil Revision Application. Learned counsel for the petitioner makes a grievance that he was never heard on merits of the

Civil Revision Application.

6. The second ground of review is that MHADA being a government entity, the suit under Section 6 of the Specific Relief Act, 1963 was not maintainable against MHADA. He therefore submits that the review petition be allowed and the order be recalled and the Civil Revision Application be decided after hearing the petitioner on merits of the Civil Revision Application.

7. I have perused the papers of Civil Revision Application and the review petition. I do not find any substance in the first ground, as the contentions of the petitioner on the merits of the Civil Revision Application are considered by this court and also recorded in the order. In paragraphs 22, 23 and 24 the contentions raised on behalf of the petitioner on merits of the order impugned in the Civil Revision Application are dealt with.

8. So far as the second ground is concerned, it is on the merits of the suit. The petitioner claims to be the heir and legal representative of the original deceased defendant no.2; hence, the intervention application was allowed and the petitioner was added as party to the Civil Revision

Application. The petitioner cannot raise grounds on merits of the suit, in this review petition.

9. There is neither any error apparent on the face of the record nor any other ground as contemplated under Order XLVII of Civil Procedure Code to review the judgment and order allowing the Civil Revision Application.

10. The Review Petition is therefore dismissed.

Civil Revision Application No. 1126 of 2012

11. By the judgment and order dated 30th September 2025 the Civil Revision Application is allowed and the suit under Section 6 of the Specific Relief Act, 1963 is decreed. The application was directed to be listed for issuing further directions for implementing the order through the office of the learned Court Receiver, High Court, Bombay.

12. The learned First Assistant to the Court Receiver is present in court. She submits that for implementing the order the applicant be directed to lodge the order in the office of the learned Court Receiver by depositing the initial amount as per the rules, i.e. Rs.50,000/-. Learned counsel for the applicant submits that he shall comply with the request within

a week and shall deposit the amount in the office of the learned Court Receiver.

13. The applicant is permitted to comply with the necessary requirement including depositing the amount within a week. After the compliance is made by the applicant, the office of the learned Court Receiver shall take further steps for implementing the order dated 30th September 2025.

14. If there is no co-operation from the parties for implementing the order, the learned Court Receiver is at liberty to seek appropriate police protection for implementing the order. In the event the premises are found locked, learned Court Receiver shall be entitled to break open the lock and record necessary panchanama and inventory and if necessary file a report for further directions from this court.

15. Learned counsel for respondent no. 2 seeks stay to the implementation of this order to enable respondent no. 2 to approach the Apex Court. The order shall remain stayed for a period of six weeks subject to respondent no. 2 filing an affidavit-cum-undertaking in this court stating that respondent no.2 shall not create any third party rights in respect of the suit property or part with possession in favour of third party.

Affidavit shall also state that if favourable order is not passed by the Apex Court, respondent no. 2 shall co-operate for implementing the order passed by this court and handover possession. Necessary affidavit cum undertaking shall be filed within two weeks.

16. It is clarified that if such an undertaking is not filed, the stay granted by this order shall stand vacated and the learned Court Receiver shall implement the directions passed by this court.

17. In view of the stay granted, it is clarified that the compliance to be made on behalf of the applicant shall be made out after expiry of two weeks.

[GAURI GODSE, J.]