

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 1816 OF 2024

IN

COMMERCIAL SUIT NO. 288 OF 2017

Bhupendra Ratilal Shah

... Applicant

Versus

Curio Finance And Investment Pvt. Ltd. and others

... Respondents

.....

Ms. Aneesa Cheema instructed by Mr. Anuj Jhaveri, Advocate for the Applicant.

Mr. Aditya Mhatre (through VC) alongwith Mr. Rajeev Singh instructed by Mr. Dhaval Ved, Advocate for the Respondent No.5.

Mr. Swayam Chopda, OSD, the Court Receiver, High Court, Bombay.

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CORAM : ABHAY AHUJA, J.

DATE : 17 SEPTEMBER 2025

PC. :

1. After the matter is briefly heard, it emerges that the Defendant No.5 has not been appointed in the SRA project.

2. Mr. Mhatre, learned Counsel through video-conferencing and Mr. Rajeev Singh learned Counsel, appearing for the Defendant No.5 submit that there is nothing happening on the larger plot as the Defendant No.5 has not been appointed.

3. Mr. Mhatre, also draws this Court's attention to order dated 24th February 2025 and in particular paragraph 2 thereof, where on behalf of the Defendant No.5, it has been submitted that his client has no intention of creating any third party rights affecting the Plaintiff's claim in the Suit. Mr. Mhatre submits that the statement has been accepted by this Court that therefore, the Applicant should not have any concern.

4. Ms. Cheema, learned Counsel appearing for the Applicant submits that the situation on ground is much different from what is being submitted on behalf of the Defendant No.5.

5. Be that as it may, let the Applicant place before this Court a further affidavit alongwith material to demonstrate that the Defendant No.5 is creating third party rights in respect of the balance land or that any action has been taken with an intention to create third party rights qua the Plaintiff's claim in the suit.

6. Let the same be filed within a period of four weeks, with copy to the other side. Response to the same be filed within a period of two weeks thereafter, with copy to the other side.

7. List on **26th November 2025**.

(ABHAY AHUJA, J.)