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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2084 OF 2025
IN
SUIT NO.407 OF 2022

JITENDRA
SHANKAR
NIJASURE

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Jaavi Infra Private Ltd.

**...Applicant /
Ori. Defendant
No.1**

**In the matter between
Mathurada Welfare Association & Ors.**

**...Plaintiffs /
Respondents**

Versus

Magan Velji Gohil and Or.

**...Co-
Respondents /
Proposed
Defendants.**

Mr. Ashish Kamat, Senior Counsel, with Mr. Vaibhav Charalwar i/b. Mr. Jitendra Jain for the Applicant in Interim Application / Petitioner in Conpl. 11890 of 2025.

Mr. Karl Tamboly, with Mr. Anosh Sequeira i/b. Mr. Vikas Kumbhar for Plaintiff / Petitioner in CONP No.10 fo 2025.

Mr. Rohit Gupta and Mr. Pariket Shah i/b. Pariket Shah for Proposed Defendant Nos.5, 6, 7 and 12.

Ms. Vaishali Ugale, i/b. Ms. Komal Punjabi for Defendant Nos.16 an 17.

Mr. Mukesh Subramaniam, for Defendant Nos.21 and 23.

Mr. Tejas Agarwal with Ms. Ria Goradia i/b. IC Legal for Proposed Investor.

Mr. N.C. Pawar, Court Receiver is present.

CORAM : R.I. CHAGLA J.

DATE : 22ND JULY, 2025.

ORDER :

1. After hearing Counsel for parties, a workable arrangement has been arrived at. The six occupants being proposed Defendant Nos.5, 6, 7, 12, 21, 22 and 23 who continue to be in occupation of their respective premises have agreed to handover their respective premises to the Applicant for demolition upon a survey / measurement being carried by the Court Receiver appointed by this Court determining the actual area occupied by them and the Applicant executing the PAAA's with them. The PAAA's shall be executed between the Applicant and them on the following terms:-

(i) Proposed Defendant No.5: PAAA to be executed for an area of 315 Sq.ft subject to the Applicant earmarking additional area as per survey / measurement carried out by the Court Receiver of the actual area occupied.

(ii) Proposed Defendant No.6: PAAA to be executed for an area of 315 Sq.ft. subject to the Applicant earmarking additional area

as per survey / measurement carried out by the Court Receiver determining the actual area occupied.

(iii) Proposed Defendant No.7: PAAA to be executed for an area of 315 Sq.ft subject to the Applicant earmarking additional area as per survey / measurement carried out by the Court Receiver determining the actual area occupied.

(iv) Proposed Defendant No.12: PAAA to be executed for an area of 412 sq.ft. subject to the Applicant undertaking to make available the additional area in case the Proposed Defendant No.12 succeeds in his proceedings for such additional area.

(v) Proposed Defendant Nos.21 and 22: PAAA to be executed for an area of 300 Sq. ft., subject to the Applicant undertaking to make available the additional area in case the proposed Defendant Nos.21 and 22 succeed in their proceedings for such additional area.

(vi) Proposed Defendant No.23: PAAA to be executed for an area of 300 Sq. ft., subject to the Applicant undertaking to make

available the additional area in case the Proposed Defendant No.23 succeeds in his proceedings for such additional area.

2. The Court Receiver is appointed by this Court to carry out the survey / measurement at the time of taking physical possession of the respective premises as aforementioned and which shall be carried out within a period of one week from the lodging of the matter with the Court Receiver. The Court Receiver shall take assistance of M/s. J. J. Kekani & Associates, Architect for carrying out the said survey / measurement.

3. The PAAA's shall be executed on the aforementioned terms simultaneously with the Court Receiver handing over the respective premises to the Applicant.

4. This Order has been passed in view of the aforementioned workable arrangement arrived at between the parties for facilitating the redevelopment which is being carried out by the Applicant.

5. The Applicant shall pay the transit rent under the said

PAAA's in accordance with the base area which the Proposed Defendants are entitled to in the redeveloped property.

6. The registration and stamp duty charges of the PAAA's shall be borne by the Applicant.

7. The Interim Application shall be placed for compliance on 6th August, 2025.

[R.I. CHAGLA J.]