

Kavita S.J.

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

INTERIM APPLICATION NO.2084 OF 2025

IN

SUIT NO.407 OF 2022

Jaavi Infra Private Limited

...Applicant/
Org. Defendant No.1

In the matter between:

Mathuradas Welfare Association & Ors., ...Plaintiffs

Versus

Jaavi Infra Pvt. Ltd. & Ors.,

...Defendants

And

Mr. Magan Velji Gohil & Ors.,

...Co-Respondents/
Proposed Defendants

Mr. Ashish Kamat, Senior Counsel a/w Mr. Vaibhav Charalwar i/b Mr. Jitendra Jain for Applicant in IA 2084 of 2025.

Mr. Aman Anand a/w Mr. Gaurav Nankar for Applicant in IA(L) 23493 of 2025.

Mr. Karl Tamboly a/w Mr. Anosh Sequeira i/b Mr. Vikas Kumbhar for Plaintiff / Petitioner in CONP 10 of 2025.

Mr. Rohit Gupta a/w Mr. Pariket Shah for Defendant Nos. 5, 7 and 12.

Mr. Mukesh Subramanian for Defendant Nos. 21 & 23.

Mr. Tejas Agarwal a/w Ms. Ria Goradia i/b I.C. Legal for proposed Investor.

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

KAVITA
SUSHIL
JADHAV

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Date: 2025.08.12
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CORAM : R.I. CHAGLA, J.

DATED : 11th AUGUST, 2025.

ORDER :

1. The Interim Application has been placed for compliance today. By the Order dated 22nd July, 2025, the Court Receiver was directed to carry out site inspection and to determine the actual area occupied by the Occupant Nos. 5, 6, 7, 12, 21, 22 and 23 and on such determination PAAA's were to be executed by the Developer / Applicant with the aforementioned occupants as per the terms in Paragraph 1 (i) to (vi) of the said order.

2. This Court had also directed that the PAAA's shall be executed on the aforementioned terms simultaneously with the Court Receiver handing over the respective premises to the Developer/Applicant.

3. The Court Receiver has pursuant to the said order carried out the site inspection of the structures occupied by the aforementioned occupants. The Site Report dated 30th July, 2025 has been annexed to the Affidavit on behalf of the Applicant/Original Defendant No.1 dated 6th August, 2025 which is tendered and taken

on record.

4. By a separate order it is recorded that the proposed Respondent No.6 has handed over vacant physical possession of the structure occupied by him to the Court Receiver who in turn has handed it over to the Developer/Applicant.

5. With regard to proposed Respondent Nos. 7 and 12, their structures had already been handed over on 28th July, 2025 and 29th July, 2025 respectively. The structures have thereafter been demolished. Further, the matter has been settled between the parties by filing Consent Terms. The Consent Terms entered into between the Applicant and proposed Respondent No.12 being Consent Terms dated 4th August, 2025 is taken on record and marked 'X' for identification.

6. The proposed Respondent Nos.5, 21, 22 and 23, have not handed over physical possession of their respective structures alongwith the keys during the Site visit of the Court Receiver.

7. The learned Counsel appearing for these proposed Respondents have made a grievance that the survey / measurement

report of the Court Receiver and has not been handed over to them.

8. Accordingly, the proposed Respondents shall take copies of the survey / measurement report from the office of the Court Receiver. The Advocates for these Respondents shall bring the keys of their respective structures to Court on the next date and they shall be handed over to the Applicant simultaneously upon execution of the PAAA's.

9. The copy of the PAAA's shall be served by the Developer / Applicant to the Advocates for these Respondents prior to the next date.

10. Place the matter on 14th August, 2025 under the caption 'for compliance'.

[R.I. CHAGLA, J.]