

Sharayu Khot.

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

WITH

INTERIM APPLICATION (L) NO. 25546 OF 2025

(Not on Board)

IN

SUIT NO. 407 OF 2022

Surender N.

...Applicant/Ori. Prop
Respondent No. 23

In the matter between

Mathuradas Welfare Association & Ors.

...Plaintiffs

Versus

Jaavi Infra Pvt. Ltd. & Ors.

...Defendants

And

SHARAYU
PANDURANG
KHOT

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Mr. Magan Velji Gohil & Ors.

...Co-Respondents/
Proposed Defendants

WITH

INTERIM APPLICATION (L) NO. 25547 OF 2025

(Not on Board)

IN

SUIT NO. 407 OF 2022

Sundar N.

...Applicant/Ori. Prop
Respondent No. 21

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/by
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. Anosh Sequeira i/by Mr. Vikas Kumbhar for the Plaintiff /
Petitioner in CONP 10 of 2025.

Mr. Rohit Gupta a/w Mr. Pariket Shah for Defendant No. 5.

Ms. Vaishali Ugale i/by Ms. Komal Punjabi for the Defendant Nos. 16
and 17.

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

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

Mr. Nitin C. Pawar, Court Receiver present.

CORAM : R.I. CHAGLA J

DATE : 14 August 2025

ORDER :

1. The Interim Application had been placed today under the caption for compliance vide order dated 11th August 2025.

2. This Court by the said order had recorded that the proposed Respondent Nos. 5, 21, 22 and 23 have not handed over physical possession of their respective structures along with the keys during the site visit of the Court Receiver. The grievance which had been made by the learned Counsel appearing for the proposed Respondents was that the survey / measurement report of the Court Receiver had not been handed over to them.

3. Accordingly, this Court had directed that the copies of the survey / measurement report to be handed over to these proposed Respondents by the Court Receiver.

4. The Advocates for these proposed Respondents were directed to bring the keys of their respective structures to Court on

the next date. The keys was to be handed over to the Applicant simultaneously upon execution of the PAAAs.

5. Today, these proposed Respondent Nos. 21 and 23 have preferred Interim Application (L) No. 25547 of 2025 and Interim Application (L) No. 25546 of 2025, wherein they have sought for this Court to determine the issue in the Suits which are before the City Civil Court, Dindoshi bearing Suit No. 2605 of 2023 and Suit No. 2601 of 2023. Further prayer made for this Court to decide the issue of area in occupation of these proposed Respondents from the documents available in the record of M.C.G.M., Revenue Authority, Court Commissioner and the Architect appointed by the Court Commissioner on 29th July 2025 in pursuance of order dated 22nd July 2025 in a time bound manner.

6. Having considered these Interim Applications, I am of the considered view that these Interim Applications are nothing but frivolous. This Court had directed in the said order dated 22nd July 2025, which is passed by consent of the parties, that these proposed Respondents shall handover occupation of their respective premises, which were occupied by them to the Developer for demolition upon

the survey / measurement carried out by the Court Receiver appointed by this Court determining the actual area occupied by them. This upon the Applicant executing the PAAAs with them as per the terms mentioned at paragraphs (i) to (vi) of the said order dated 22nd July 2025.

7. Thereafter, the Court Receiver has carried out the survey / measurement and filed Report. Further, pursuant to the directions of this Court in the said order dated 11th August 2025, the Court Receiver has provided these proposed Respondents the survey / measurement Report.

8. There is no question of now reviewing the said order dated 22nd July 2025, which is by consent of the parties as well as the order dated 11th August 2025, which directed these proposed Respondents to bring the keys of their respective structures to this Court today, to be handed over to the Developer simultaneously upon execution of the PAAAs.

9. It is further noted that the PAAAs which is being executed by the Developer with these proposed Respondents provides

that the area mentioned in the PAAAs shall be subject to the Developer making available the additional area in case these proposed Respondents succeeding in their proceedings for the additional area. These proceedings are before the City Civil Court, Dindoshi.

10. In view thereof, these proposed Respondents shall handover the keys to the Court Receiver, who in turn shall handover the keys to the Developer simultaneously upon execution of the PAAAs. The proposed Respondent No. 5 has handed over the keys to the Court Receiver and is in the process of settlement with the Developer.

11. Interim Application (L) No. 25546 of 2025 and Interim Application (L) No. 25547 of 2025 are accordingly, disposed of.

12. Matter shall be placed on 18th August 2025 for compliance.

[R.I. CHAGLA J.]