

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

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

Mr. Pariket Shah for the Defendant No. 5.

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

Mr. Nitin C. Pawar, Court Receiver present.

Mr. Vincent Rony Lewis, Defendant No. 5 present.

Mr. Surender Nagarajan, Defendant Nos. 23 present.

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

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CORAM : R.I. CHAGLA J

DATE : 18 August 2025

ORDER :

1. Mr. Ashish Kamat, the learned Senior Counsel appearing for the Applicant / Developer has referred to paragraph 10 of the order dated 14th August 2025. In the said paragraph, it has been recorded that the proposed Respondent No. 5 has handed over the keys to the Court Receiver and is in the process of settlement with the Developer. He has submitted that this has been incorrectly recorded as the proposed Respondent No. 5 had not handed over the keys to the Court Receiver. He has submitted that the proposed Respondent No. 5 be directed to handover the keys to the Court Receiver.

2. The proposed Respondent No. 5 appears in person, though having been represented earlier by an Advocate.

3. The learned Advocate for the proposed Respondent No. 5 is also present and has withdrawn his appearance for the proposed

Respondent No. 5.

4. The proposed Respondent No. 5 has sought for time to remove his belongings from the subject structure, in view of his having just returned from U.A.E.

5. Accordingly, the proposed Respondent No. 5 shall handover the keys to the Court Receiver forthwith and the Court Receiver shall permit the proposed Respondent No. 5 to remove his belongings from the subject structure, within one week from today.

6. In the event, the proposed Respondent No. 5 does not handover the keys to the Court Receiver, then the Court Receiver shall take forcible possession with police assistance of the structure occupied by proposed Respondent No. 5 by removing his belongings and handing over the belongings to the proposed Respondent No. 5. The Court Receiver upon taken forcible possession, shall handover the same to the Developer / Applicant.

7. Insofar as the other proposed Respondent Nos. 21, 22 and 23, who were represented by their Advocate on the previous

dates, they appear through proposed Respondent No. 23 today. He has sought for the area of the structure occupied by the proposed Respondents as measured by the Court Receiver, pursuant to the directions of this Court vide order dated 22nd July 2025, to be incorporated in the draft PAAAs, which are to be entered into by the Applicant / Developer with these proposed Respondents.

8. Considering the prior orders passed by this Court i.e. on 22nd July 2025 and 14th August 2025, it was made clear that the PAAAs have taken into account the possibility of the entitlement of these proposed Respondents to additional area, in the event, these proposed Respondents succeed in their claim to additional area in the proceedings before the City Civil Court, Dindoshi Branch.

9. Thus, there is no necessity to incorporate the area measured by the Court Receiver, pursuant to the directions of this Court vide order dated 22nd July 2025, in the PAAA's to be executed.

10. The keys of the subject structure occupied by the proposed Respondent Nos. 21, 22 and 23 have already been handed over to the Court Receiver. These proposed Respondents, if they so

desire, may approach the Applicant / Developer to execute the PAAAs.

11. It is noted that the Court Receiver has handed over the keys of the subject structure occupied by the proposed Respondent Nos. 21, 22 and 23 to the Developer / Applicant in the Court today.

12. Interim Application shall be placed for compliance on 29th August 2025.

[R.I. CHAGLA J.]