

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

INTERIM APPLICATION NO.2580 OF 2025
IN
EXECUTION APPLICATION NO.2128 OF 2022

Imtiaz Sharafali Furniturewalla

...Applicant

V/s.

Adamji Mohamedally

...Respondent

Mr. Harsh Sheth i/b MDP Legal for the Applicant.

Mr. Rustom Pardiwalla with Mr. Rushab Thakkar for the Respondents
No. 1 to 3.

Mr. Kevin Periera i/b Ms. Chinmaya Acharya for the Darshan Developer.

CORAM : ABHAY AHUJA, J.

DATE : 2nd JULY, 2025

PC. :

1. When the matter is called out, Mr. Sheth, learned Counsel appears for the Applicant and at the outset submits that prayer Clause (a), has been worked out, however, as regards the prayer Clause (c), learned Counsel submits that this Court may direct the Respondents No. 2 and 3 to provide duplicate set of keys of the shop premises to the Applicant.

2. Mr. Sheth also submits that although this Court had also directed on 9th September, 2024 that the PAAA be executed and registered, however, the said PAAA has been executed but yet to be registered.

3. Mr. Pardiwalla, learned Counsel appearing for the Respondents No. 1 to 3 submits that the same should not be a problem and he would advise his client to cooperate with the Applicant for registration of the PAAA and also advise them to furnish duplicate set of keys of the shop premises to the Applicant.

4. Mr. Pardiwalla, however, expresses his apprehension that since there are mounting dues of municipal taxes as well as society dues and since the property of the firm in question is yet to be sold, the said liability would be saddled upon his clients viz. the Respondents No. 1 to 3.

5. In response, Mr. Sheth, learned Counsel for the Applicant has drawn this Court's attention to the paragraph 19 of the consent terms which clearly records that the Applicant, Respondents No. 2, 3 and 4 have agreed, declared and undertaken that all the statutory dues namely capital gain tax, municipal tax, sales tax and other government dues of the firm would be paid from the sale proceeds of the movable and immovable properties.

6. In my view, the said paragraph of the consent terms should allay the fears expressed by Mr. Pardiwalla.

7. Let the executed PAAA be registered after taking proper appointment with the sub-Registrar of Assurances within a period of two weeks.

8. Mr. Pereira, learned Counsel for the developer submits that if a prior intimation is given he would have the representative of the developer also remain present for the registration of the executed PAAA.

9. Mr. Sheth submits that the developer fix the appointment with the sub-Registrar.

10. Mr. Periera, learned Counsel for the Developer and Mr. Pardiwalla, learned Counsel for the Respondents No. 1 to 3 have no objection.

11. Accordingly, the Interim Application stands disposed as above. Let all concerned appear before the Sub-Registrar of the Assurances for the registration of the executed PAAA.

(ABHAY AHUJA, J.)