

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

**INTERIM APPLICATION NO. 4888 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 18 OF 2025**

Abdul Qayyum Alauddin Athania ...Applicant
V/s.
Hitech Hafizi Town Developers through Partners ...Respondents

Ms. Sana Yusuf Baugawala i/b Mr.Yusuf Suleman Baugwala for the Applicant.
None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 8th SEPTEMBER, 2025

P.C. :

1. This Interim Application seeks directions to the Bailiff to take possession of the immovable property being Flat No. 1705 admeasuring 707.19 sq. ft carpet area on 17th Floor, Khadija Hitach Tower, Behram Baug, Jogeshwari (West), Mumbai by breaking open the lock and to hand over the possession of the said property to the Applicant and to achieve the same with the assistance of the police.

2. Ms Baugwala, learned Counsel appears for the Applicant and submits that despite endeavour by the Bailiff to take possession of the said premises, the same was not successful and the Bailiff could not execute the warrant of possession and could not hand over the

possession of the said premises to the Power of Attorney holder of the Claimant. Ms. Baugwala draws the attention of this Court to the Bailiff's report dated 8th July, 2025 at Exhibit B to the Application. Ms. Baugwala submits that none appears despite service.

3. Having heard the learned Counsel and perused the Application, with the assistance of the learned Counsel, this Court is of the view that reliefs in terms of prayer Clauses (b) and (c) which read thus, be granted:-

“b. That this Hon'ble Court be pleased to direct the Bailiff to take possession of the said immovable property described, by breaking open the lock and hand over the possession of the said property i.e. Flat No. 1705 admeasuring 707.19 sq. Ft. carpet area on 17th Floor, Khadija Hitech Tower, Bahram Baug, Jogeshwari (West), Mumbai, Mumbai along with a Podium Car, parking Number P1-11 to the Applicant.

c. That this Hon'ble Court be pleased to direct the Senior Inspector of Police of Oshiwara police station to provide / grant police assistance / protection through the concerned Police Station to the concerned Bailiff to ensure smooth execution of the Award and avoid any breach of peace during delivery of possession.”

4. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)