

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARJUN
VITTHAL
KUDHEKAR

WRIT PETITION NO.12468 OF 2025

Shazman Cyrus Contractor

...Petitioner

Versus

Additional Commissioner,
Konkan Division, Mumbai & Ors.

...Respondents

Dr. Uday Warunjikar a/w P. Ranjan i/b Halai and Co., for the Petitioner.
Mr. Jamsheed Master a/w Mr. Agnel Carneiro i/b Mulla & Mulla and
Craigie Blunt & Caroe, for Respondent Nos.3 to 7.

CORAM: MADHAV J. JAMDAR, J.
DATED: 17 FEBRUARY 2026

P.C.:

1. Heard Dr. Warunjikar, learned Counsel appearing for the Petitioner and Mr. Master, learned Counsel appearing for the Respondents.
2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the following Orders:
 - i. Order dated 19th December 2024 passed by the learned Competent Authority, Rent Control Act Court, Konkan Division, Mumbai, below Exhibit-10 in Eviction Application No.117 of 2024.
 - ii. Order dated 19th December 2024 passed by the learned

Competent Authority, Rent Control Act Court, Konkan Division, Mumbai, below Exhibit-15 in Eviction Application No.117 of 2024.

iii. Order dated 26th May 2025 passed by the learned Additional Divisional Commissioner, Konkan Division, Mumbai in Revision No.94 of 2025.

3. By the impugned Order dated 19th December 2024 passed below Exhibit-10 in Eviction Application No.117 of 2024, an Application filed seeking leave to defend has been rejected. By the impugned Order dated 19th December 2024 passed below Exhibit-15 in Eviction Application No.117 of 2024, the Competent Authority has directed the present Petitioner to handover vacant and peaceful possession of subject premises and further directed to pay damages to Respondent Nos.3 to 7 at the rate of Rs.1,000/- per month from 7th February 2014 till handing over the vacant possession of the subject premises. By the impugned Order dated 26th May 2025, Revision filed by the present Petitioner has been dismissed.

4. Dr. Warunjikar, learned Counsel appearing for the Petitioner, after arguing the matter for some time, on instructions, seeks withdrawal of the Writ Petition. He submits that, however, longer time be granted to vacate the subject flat. On instructions, he further states that RAD Suit No.142 of 2025 filed by the Petitioner in the Small Causes Court,

Mumbai will be withdrawn within a period of 15 days from today.

5. Mr. Master, learned Counsel appearing for Respondent Nos.3 to 7, states that the Respondents have no objection for the same, however, he submits that, the Court Receiver, High Court, Bombay be appointed with respect to the subject flat and the Petitioner be appointed as an Agent of the Court Receiver, without payment of royalty and security. He further submits that the Court Receiver's charges will be borne by Respondent No.3.

6. Accordingly, by consent of parties, the following Order is passed:

- i. The Writ Petition is allowed to be withdrawn and dismissed as such.
- ii. Resultantly, Orders dated 19th December 2024 passed by the learned Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.117 of 2024 as well as Order dated 26th May 2025 passed by the learned Additional Divisional Commissioner, Konkan Division, Mumbai in Revision No.94 of 2025, are confirmed.
- iii. The Court Receiver, High Court, Bombay shall stand appointed forthwith with all the powers under Order XL of the *Code of Civil Procedure, 1908* with respect to "Flat No.308, 'B' Building, BPP Goregaon Complex, Walbhat Road, Opp. Sharma Industrial Estate, Goregaon (East), Mumbai - 400 063".

- iv.** The Court Receiver, High Court, Bombay to take symbolical possession of the subject flat and appoint the Petitioner as an Agent of the Court Receiver, without payment of security and royalty charges, however on usual conditions.
- v.** The Petitioner is granted time to vacate the subject flat till 30th April 2028. However, the Petitioner shall pay an amount as directed by Clause (3) of the Order dated 19th December 2024 passed in Eviction Application No.117 of 2024 to Respondent Nos.3.
- vi.** If the Petitioner fails to vacate the subject flat and handover the possession of the same to Respondent No.3 on or before 30th April 2028, then, in that case, the Court Receiver, High Court, Bombay shall take immediate actual possession and evict the Petitioner or any other person found in the possession of the subject flat. The Court Receiver, High Court, Bombay in that case is also permitted to take Police assistance, if required, for getting the vacant possession of the subject flat.
- vii.** The necessary charges of the Court Receiver as per the relevant rules shall be borne by Respondent No.3.
- viii.** The statement of the Petitioner that said RAD Suit No.142 of 2025 will be withdrawn within a period of 15 days from today, is accepted as undertaking given to this Court.

7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]