

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 345 OF 2026
WITH
INTERIM APPLICATION (ST) NO. 9376 OF 2026

Jayashree J. Parab

Appellant

.. (Org. Defendant No. 2)

Versus

Sanjeev Arjun Satam

Respondent No. 1

.. (Org. Plaintiff)

Arun Arjun Satam & Anr.

Respondent Nos. 2
& 3

.. (Org. Defendant Nos. 1 & 3)

.....

- Mr. Rakesh Agrawal a/w Mr. Parmeshwar A. Bhise, Advocates for Appellant
- Mr. Dipen Furia a/w Mrs. Leena Shah & Mr. Shubham Mishra i/by M/s. Shah & Furia Associates, Advocates for Respondent No. 1
- Mr. Som Sinha a/w Ms. Divya Vishwanath i/by M/s. Som Sinha & Associates, Advocates for Respondent No. 3

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 22, 2026

P. C.:

1. Heard learned Advocates appearing for the parties.
2. Today parties have tendered Minutes of Order dated 22.04.2026. Minutes of Order is signed by Appellant as also learned Advocates appearing for Appellant, Respondent No. 1 and Respondent No. 3. Minutes of Order is taken on record and marked "X" for identification. For the sake of convenience, Minutes of Order is scanned and reproduced herein under:-

IN THE HIGH COURT JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 345 OF 2026

IN

NOTICE OF MOTION NO. 96 Of 2026

IN

S.C. SUIT NO. 1816 OF 2017

MRS. JAYASHREE J. PARAB)

Age: 45 years, Occ: Housewife,)

Residing at Flat no. 1302, Building)

No. 26, Sardar Nagar No. 2,)

Trilochan CHS Ltd., M/H.B.)

Colony, Sion, Mumbai- 400 022.)

VERSUS

... Appellant/
Orig. Def.
No. 2

1 MR. SANJEEV ARJUN SATAM)

Age: 49 years, Occ: Service,)

Residing at 36A, Laxmi Niwas,)

Behind Elphinstone Bridge, Parel,)

Mumbai- 400 012)

.. Resp. no. 1/
Orig. Plaintiff

2 MR. ARUN ARJUN SATAM)

Age: 54 years, Occ; Service,)

Residing at Flat No. 302, Tarun)

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Bharat Society, Shri. Apartment,)
 Plot No. 28, Chakala, Andheri (E),)
 Mumbai-400 099)
 3 M/S. SHIKARA CONSTRUCTIONS)
 PVT. LTD Through its Managing)
 Director Mr. Ashok Mehra having)
 registered office at 204, Bezzola)
 Complex, Suman Nagar,)
 Chembur, Mumbai- 400 071) ... Resp. no.
 2 and
 3/Orig. Def.
 No. 1 and 3

MINUTES OF ORDER

By consent of the parties the following order is passed:

1. The Court Receiver^{High Court} is appointed as receiver to take the physical possession of the new flat no. 1604, 16th Floor, Wing-D, Shikara Heights, Trilochan Co-operative Housing Society Ltd., Sardar Nagar No. 2, Sion, Mumbai – 400 022 from the Developer i.e. Respondent no. 3. The Respondent no. 3 shall hand

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- over the possession to Court Receiver within 7 days of passing of this order.
2. The Respondent No. 3 is not required to pay any amount to the Appellant namely Mrs. Jayashree Jagdeo Parab towards arrears of transit rent.
 3. The Court Receiver shall put the Appellant namely Mrs. Jayashree Jagdeo Parab in the possession of said new flat i.e. flat no. 1604, 16th Floor, Wing-D, Shikara Heights, Trilochan Co-operative Housing Society Ltd., Sardar Nagar No. 2, Sion, Mumbai – 400 022 within period of 3 days from the date of receiving possession of the new flat as an agent of Court Receiver without surety and royalty, subject to final outcome of the S.C. Suit no. 1816 of 2017 pending before the City Civil Court at Bombay.
 4. The Ld. Trial court is directed to decide Notice of Motion No. 2158 of 2026 taken out by the Appellant/Defendant no. 2 under order VII Rule 11 of Code of Civil Procedure on or before 30th June, 2026 on its own merit.

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5. In case outcome of Notice of Motion No. 2158 of 2026 is against the Defendant no. 2/Appellant, the Ld. Court is directed to dispose of the suit within period of 6 (Six) months from the date of disposal of the said Notice of Motion No. 2158 of 2026 under order VII Rule 11 of Code of Civil Procedure.
 6. Since nothing survives in the suit against the Respondent No. 3 in view of this minutes of order, the parties' consent that the name of the Respondent No. 3 be struck off from the suit. Accordingly, the Appellant and the Original Plaintiff should give their consent to the application, if any, filed by Respondent No. 3 for striking out its name from the suit before the Ld. Trial Court.
 7. The possession of new flat no. 1604, 16th Floor, Wing-D, Shikara Heights, Trilochan Co-operative Housing Society Ltd., Sardar Nagar No. 2, Sion, Mumbai - 400 022 shall be governed by final outcome of the S.C. Suit no. 1816 of 2017 i.e. if the Plaintiff finally succeed in the suit, he will get the possession of new flat or else if the suit is dismissed, the

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Defendant no. 2/Appellant shall continue to hold possession of new flat. The Court Receiver appointed shall stand discharged on final disposal of the suit without rendering any account.

8. This court has not expressed any opinion on the merits of the matter.
9. The charges of Court Receiver shall be borne by the appellant and Respondent no.1 equally.
10. Pending the suit, the Appellant shall not deal with dispose of or part with possession of the new flat.
11. Appeal from Order and Interim Application (St) No. 9376 of 2026 are disposed of in the aforesaid terms.
12. No order as to cost.

Dated 22.04.2026

At Mumbai.

Harish
Appellant

[Signature]
Adv. for Appellant

[Signature]
Adv. For Respondent no. 1

[Signature]
Adv. for Respondent no. 3

3. All rights and obligations mentioned in the Minutes of Order *qua* the respective parties are taken as undertaking given to the Court and parties shall abide by the same.

4. Needless to state that parties are *ad idem* that Developer will execute PAAA with the person who ultimately succeeds in the Suit proceedings which is pending before the Trial Court. Till then, PAAA can be kept pending but Developer will ensure that premises will be kept reserved and no third party interest shall be created by Developer to which either of the party is entitled to. The Developer is represented by Mr. Som Sinha. He submits that the redeveloped premises are ready for handover.

5. Time of seven days as stated in paragraph No. 1 in the Minutes of Order stands extended by the Court as per the convenience of the parties as requested by them jointly.

6. Needless to state that once the Appellant before me is appointed by the Court Receiver as his agent and she takes possession of the premises, she shall be responsible for payment of all outgoings and she shall pay the same. She shall not claim any equity for that reason since the rights of the parties will be ultimately determined in the Suit proceedings.

7. Mr Agrawal points out the fact that learned Trial Court has appointed private Receiver. That order of the Trial Court now stands modified to that extent by this order and Court Receiver stands substituted in place of private Receiver as per Minutes of Order.
8. Appeal from Order and Interim Application are disposed of in terms of the Minutes of Order.
9. Liberty to apply.
10. All parties to act on a server copy of this order downloaded from Bombay High Court.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2026.04.22
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+0530