

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

**INTERIM APPLICATION NO. 2658 OF 2025
IN
EXECUTION APPLICATION NO. 1757 OF 2022**

**NIMISHA J. MADHVANI)...APPLICANT
IN THE MATTER BETWEEN
NIMISHA J. MADHVANI)...APPLICANT
V/s.
NITIN J. MADHVANI AND OTHERS)...RESPONDENTS**

Mr.Nikhil Sakhardande, Senior Advocate a/w. Mr.Pheroze Mehta and Mr.Kaushal Parsekar i/by Desai Desai Carrimjee and Mulla, Advocate for the Applicant / Decree Holder.

Mr.Srinivas Chatti a/w. Mr.Ved Thakur i/by Cyril Amarchand Mangaldas, Advocate for the Respondent no.1.

Mr.Nainesh Amin, through Video Conferencing, i/by N.N.Amin & Co., Advocate for the Respondent no.2 in IA/2658/2025 and for the Respondent no.3 in EXA/1757/2022.

CORAM : ABHAY AHUJA, J.

DATE : 10th JULY 2025

PC. :

1. When the matter is called out, both Mr.Nikhil Sakhardande, learned Senior Counsel for the Applicant and Mr.Srinivas Chatti, learned Counsel for the Respondent no.1 agree that this Court may allow the application in also terms of prayer clauses (a) and (b) which read thus :

“(a) That this Hon'ble Court may be pleased to appoint a Court Commissioner and further authorize and direct the Court Commissioner to give out the Premises owned by the Firm located on the 11th Floor, 229, Bakhtawar Commercial Premises Co-operative Society Ltd., Plot No.229, Block III, Nariman Point, Mumbai – 400 021 on Leave and License basis, pending the implementation of the Award in the present Execution proceedings.

(b) That this Hon'ble Court may be pleased to authorize the Court Commissioner to enter into Leave and License Agreement and/or any other documents on behalf of the Firm that maybe necessary/required to give out the Premises.”

2. Learned Senior Counsel and Counsel submit that this Court may appoint a Court Commissioner to execute the said prayer clauses.

3. Mr.Nainesh Amin, learned Counsel for the Respondent no.3 has no objection.

4. Having heard the learned Senior Counsel and the Counsel in the matter, this Court allows the application in terms of prayer clauses (a)and (b) as above.

5. Let the Prothonotary & Senior Master nominate a suitable officer to act as Court Commissioner in the matter.

6. Mr.Srinivas Chatti for the Respondent no.1 submits that the rights and contentions of the Respondent no.1 in the Execution Application be kept open. Ordered accordingly.

7. The Interim Application to accordingly stand allowed and is disposed as above.

(ABHAY AHUJA, J.)

ARTI
VILAS
KHATATE

Digitally signed
by ARTI VILAS
KHATATE
Date:
2025.07.11
15:16:08 +0530