

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

SUIT NO. 218 OF 2022

Vaibhav Kantilal Dattani & 4 Ors. ... Plaintiffs

V/s.

Nalinkant Devchandbhai Kakkad & Ors. ... Defendants

WITH
INTERIM APPLICATION NO. 3699 OF 2022
WITH
INTERIM APPLICATION NO. 4087 OF 2022
WITH
INTERIM APPLICATION NO. 2257 OF 2025
IN
SUIT NO. 218 OF 2022

Mr. Dishan Kukreja a/w. Mr. Suraj Dube i/b. Mr. Arvind F. M., for Plaintiffs.

Ms. Chaitra Rao for Defendant nos. 1 to 5

Mrs. Nandini Y. Deshpande, 1st Assistant to Court Receiver.

CORAM : FARHAN P. DUBASH, J.

DATE : 30th MARCH 2026

P. C.:

1. Mr. Kukreja, learned Counsel appearing for the Plaintiffs, seeks leave to file a private valuation report before the Court Receiver in respect of Tajawala Property. Let this valuation report be filed no later than 17th April 2026. A copy of this report shall also be furnished to the Defendants. If the Defendants are desirous of also filing any such valuation report, they shall file such valuation report and serve a copy on the other side, on or before

17th April 2026. No further time shall be given to any of the parties in that regard.

2. By an order dated 13th October 2025, this Court had directed all the parties to file an Affidavit stating on oath that they do not have the original title deed in respect of the Tajawala property and further, that no third party rights have been created by them in respect of the said Tajawala property.

3. Mr. Kukreja states that the Plaintiffs have since filed the said Affidavit in Court and he undertakes to furnish a copy thereof of the same to the Court Receiver, on or before 17th April 2026.

4. Ms. Rao, learned Counsel appearing for Defendant nos. 1 to 5 states that due to inadvertence, her clients have not yet filed the said Affidavit.

5. Considering this, as and by way of a last chance, the Defendants shall file and serve such Affidavit on the Court Receiver, on or before 17th April 2026.

6. As more particularly recorded in the order dated 9th May 2025, which took on record the draft Minutes of the Order that was tendered by the parties on that date, the Tajawala property is stated to comprise of a

building of ground + two upper floors. Both parties state that there is an error in the said description of the Tajawala property. In fact, the said Tajawala property comprises of ground + three upper floors.

7. The representative of the Court Receiver who is present in Court today also confirms this position, which emerges from the site report. Accordingly, it is clarified that the description of the Tajawala property, as more particularly contained in the order dated 9th May 2025, should be read to include building comprising of ground + three upper floors.

8. By the said order, this Court had directed the Tajawala property to be sold by public auction. However, the parties state that, due to inadvertence, the directions did not contain the specific words that the property should be sold "subject to tenancy and occupancy therein, if any". By consent, it is agreed that the Court Receiver shall be directed to sell the said Tajawala property by a public auction subject to the tenancy and occupancy, if any, therein and the direction to that effect shall stand modified in the order dated 9th May 2025.

9. The praecipe filed by the Plaintiffs is disposed of in terms of the above order.

(FARHAN P. DUBASH, J.)

Jyoti Pawar