



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION NO. 559 OF 2017

Mulund Raviraj CHSL. ... Petitioner

Versus

Rupji Constructions and Anr. ... Respondents

ALONG WITH
CHMABER SUMMON NO. 217 OF 2018
WITH
NOTICE OF MOTION NO. 688 OF 2018
WITH
CHAMBER SUMMON NO. 234 OF 2019
WITH
CHAMBER SUMMON NO. 45 OF 2019
WITH
NOTICE OF MOTION NO. 350 OF 2019
WITH
CHAMBER SUMMONS (L) NO. 313 OF 2018

Mr.Anushk Sabnis for the Petitioner.
Mr.Vikhil Dhoka i/b. G.M.Legal for K.Patel and Company.
Ms.A.Wandrewala i/b. VBA Legal for Interveners.
Mr.Amit S. Potnis - Respondent No. 1.
Mr. Santosh Dalvi, for Interveners in CHS No.217 of 2018
Mr.Ketan Trivedi - Commissioner, present.
Representative of the Grauer and Weil (I) Limited, present in person.
Mr. Pandurang Sanas, PI with Mr. Ravindra Mandlik, PI, EOW Housing present.
Mr.Madhukar Rupji along with Mr.Tejal Rupji, present in person.
Mr. Chetan Rupji, present.
Mr. Pandurang Shinde, present.
Mr. Nemchand K. Gangar, present.



CORAM : S.J. KATHAWALLA, J.
DATED : 12TH JULY, 2019
(IN CHAMBERS)

P.C.:

1. Three individuals are present before me who have shown interest to purchase the flat at Dev Ratna, situate at 548-A, Bhagwandas Narottamdas Road, now known as Dr. Ambedkar Ropad, Matunga (Central Railway), Mumbai - 400 019 i.e. Flat No.7 on the 8th Floor as also Flat No.7 on the 9th Floors aggregating area 2022.12 sq.ft., along with four car parkings. The highest offer received is from Mr. Nemchand K. Gangar for an amount of Rs.7.75 Crores in respect of the flat and four parkings. The offer is accepted by consent of all including Mr. Madhukar and Mr. Tejal Rupji. The pay order of Rs.50 Lakhs tendered by Mr. Gangar is accepted. The Prothonotary and Senior Master shall forthwith encash the said pay order and invest the same in fixed deposit of a nationalized bank initially for a period of 30 days. Mr. Gangar undertakes to pay balance amount of Rs.7.25 Crores by 18th July, 2019. The undertaking is accepted.
2. Pursuant to the order dated 28th June, 2019, Mr. Chetan Rupji is present in Court. He has tendered a Deed of Adoption dated 3rd February, 1972 executed by and between Ramkrishna Shankar Tatke representing Shraddhanand Mahila Ashram, Matunga and Smt. Sudha Kamalakar Rupji and Mr. Kamalakar R. Rupji, wherein it is mentioned that they are taking the said Chetan Rupji in adoption. Mr. Chetan has



informed the Court that since then he was under the care and protection of Ms. Sudha and Kamalakar Rupji. He has also produced his PAN Card and bank account which are in the name of Chetan Kamalakar Rupji.

3. Mr. Madhukar Rupji states that he accepts that Mr. Chetan is the adopted son of Kamlakar Rupji and he admits that Chetan being the heir of Kamlakar Rupji, is entitled to 50% share in the Mahul property. The statement is accepted.

4. Grauer and Weil (I) Limited is free to settle terms with Mr. Chetan Rupji qua 50% of his share in the Mahul property.

5. Pursuant to the order dated 4th July, 2019, the Officers from the EOW, Housing are present in Court. They have informed the Court that they are not investigating any complaint with regard to Tikalwadi property of the Rupji's. However, they are in possession of certain documents since the same were collected/seized at the time of taking panchanama of the papers found in their premises. They have informed the Court that they do not require original papers qua Tikalwadi property. In view thereof, they have handed over the documents set out at Sr. Nos.1 to 6 in the Report dated 12th July, 2019 along with the photocopy of the Panchanama. The said documents are taken on record and the Prothonotary and Senior Master shall keep the said papers in safe custody.

4. Stand over to 18th July, 2019 at 5.30 p.m. On that day, the Superintendent of Prison, Taloja shall arrange to produce Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji, before this Court at 05.00 p.m. in Chambers. The Superintendent of Prison,



Taloja, shall ensure that Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji along with escort shall leave Taloja Prison on 18th July, 2019 by 12.00 noon so that no delay will be caused in bringing them to this Court by 05.00 p.m. The Office of the Government Pleader shall convey this order/direction to the Superintendent of Prison, Taloja.

(S.J.KATHAWALLA, J.)