



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

Mulund Raviraj CHSL. ... Petitioner

Versus

Rupji Construction and Anr. ... Respondents

**ALONG WITH
CHAMBER SUMMONS NO. 217 OF 2018
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH
NOTICE OF MOTION NO. 688 OF 2018
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH
CHAMBER SUMMONS NO. 234 OF 2019
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH
CHAMBER SUMMONS NO. 45 OF 2019
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH
NOTICE OF MOTION NO. 350 OF 2019
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH**

**CHAMBER SUMMONS (L) NO. 313 OF 2018****IN****COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017**

Mr.Anushk Sabnis for the Petitioner.

Mr.Vikhil Dhoka a/w. Ms. Sushma Soni i/b. G.M. Legal, for K.Patel & Company.

Ms.A.Wandrewala i/b. VBA Legal for the Intervenors.

Mr. Amit A. Potnis, for Respondent No.1.

Mr.Tejas Deshpande for Mr.Gulshan Chopra.

Mr.Dormaan J. Dalal for Mrs.Mahasweta Gannavarapu and Mr.Subbarao Gannavarapu.

Mr.Santosh Dalvi for Intervenors in CHSCD No. 217 of 2018.

Mr. Das, for Bank of India

Mr.Ketan Trivedi - Additional Prothonotary and Senior Master, present.

Mr.Gulshan Chopra, present in person.

Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji, present.

CORAM : S.J. KATHAWALLA, J.

DATE : 17TH JUNE, 2019

(IN CHAMBERS)

P.C.:

1. Pursuant to the order passed by this Court dated 14th June, 2019, Mr. Madhukar Rupji and Mr.Tejal Madhukar Rupji are today brought before this Court from Taloja Prison.

2. Mr. Tejal Madhukar Rupji has informed the Court that he along with his wife are equal owners in respect of Flat No.703, Shubh Ashirwad CHSL, Hindu Colony 5th Lane, Dadar (E), Mumbai - 400 014. He admits that the said flat is mortgaged to Bank of India, Wadala (W) Branch and certain amounts are payable to the said Bank. He also admits that an amount of approximately Rs.15 Lakhs is payable



to Shri Shekhar Vitthal Kamtekar. He states that he has no objection if the Bank takes possession of the said flat and sells it by way of public auction after obtaining valuation and keeping in mind the prevailing market rate. He submits that the bank after recovering its dues, may deposit the balance consideration with this Court, which may be disbursed as per directions of this Court.

3. The learned Advocate appearing for Mrs. Priyanka, wife of Mr. Tejal Rupji states that she has no objection if the Bank sells the flat and recovers its dues. However, according to him, out of the balance amount, she is entitled to 50% and that she is not liable to pay any amount to Shri Shekhar V. Kamtekar. To resolve this issue, Mrs. Priyanka Rupji as well as Mr. Shekhar Vitthal Kamtekar are directed to remain present before this Court on 20th June, 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 5.00 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 20th June, 2019 by 12.00 noon so that no delay will be caused in bringing them to this Court by 05.00 p.m.

4. The Advocate appearing for the Petitioner is directed to produce a statement before this Court on the adjourned date setting out the compliances required to obtain an occupation certificate from the Municipal Corporation pertaining to the project 'Rupji Memories'.

5. Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji have informed the Court



that the Court may take possession from the builder of the flats 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 and as far as the claim of Rs.23 Lakhs of the builder is concerned, the same be decided by this Court. It is therefore, clarified that if any amounts are to be paid by the Rupji's to the builder or to any statutory authority, this Court will pass appropriate directions after hearing the Advocate representing Rupji's.

6. The Prothonotary and Senior Master is directed to release an amount of Rs.9 Lakhs towards the rent of January, 2019 to the tenants.

7. Stand over to 20th June, 2019 at 05.30 p.m. in Chambers

(S.J.KATHAWALLA, J.)