



**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 and Ms. Priyanka Rupji.

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

Mr. Sagar Patil, for Corporation.

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.

Ms. Priyanka Rupji, present.

CORAM : S.J. KATHAWALLA, J.

DATE : 20th JUNE, 2019

(IN CHAMBERS)

P.C.:

1. Pursuant to the order passed by this Court dated 17th June, 2019, Mr. Madhukar Rupji and Mr.Tejal Madhukar Rupji are today brought before this Court from Taloja Prison.

2. Today, Ms. Priyanka Rupji is also present in Court. She states that as far as the Flat in Hindu colony is concerned, she admits that she and her husband Tejal Rupji are equal owners and that she is in possession of the said flat. She has no objection, if the Bank sells the same, recovers an amount of Rs.86,52,655.95 and the arrears of maintenance etc. payable to the Society ; that therefore 50% of the balance net



amount should be paid to her and it is for Tejal Rupji to settle his liability as against Shri Shekhar Vitthal Kamtekar and his wife ; that she shall handover possession of the said flat to the Bank of India on 29th June, 2019 at 2.00 p.m. ; that she will not claim any amount by way of attachment or otherwise from the balance 50% received by Ms. Tejal Rupji. The statement is accepted.

3. As far as the Mehul property is concerned, Mr. Rupji states that he agreed with Grauer & Weil through its CEO to extend the lease for a period of 99 years from 1st April, 2016 on yearly rent of Rs.2,28,000/- with a clause to increase the rate for compensation by 15% every five years.

4. Ms. Priyanka Rupji has informed the Court that the Mehul property is a joint family property and her two sons have 1/3th share each in the said property. She states that as far as the share of Mr. Tejal Rupji is concerned, she has obtained an order of attachment from the Pune Court. She is directed to produce the order of Pune Court on the adjourned date.

5. The Prothonotary shall release necessary funds for the purpose of issuing advertisements as directed by this Court.

6. Stand over to 28th June, 2018 at 5.30 p.m. On that day, the Superintendent of Prison, Talaja 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, Talaja, shall ensure that Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji along with escort shall leave Talaja Prison on 28th June, 2019 by 12.00 noon so that no delay will



be caused in bringing them to this Court by 05.00 p.m.

(S.J.KATHAWALLA, J.)