

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

INTERIM APPLICATION NO. 348 OF 2023
IN
EXECUTION APPLICATION NO.2473 OF 2025

REKHA HEMENDRA BHANSHALI

)...APPLICANT

V/s.

CHANDRAKANT CHATURBHUI RAMAVAT
AND OTHERS

)
)..RESPONDENTS

Ms.Apoorva Thakre, Advocate for the Applicant through Legal Aid.

Mr.Prajyot Sawardekar h/f. Mr.Prashant Sawardekar, Advocate for the
Respondents no.5 and 6.

CORAM : ABHAY AHUJA, J.

DATE : 13th JANUARY 2026

PC. :

1. When the matter is called out, Ms.Apoorva Thakre, learned Counsel, appears for the Applicant and submits that since the Respondents have failed to comply with the Consent Terms, the Execution Application and this Interim Application have been filed.

2. Ms.Thakre submits that this Court may appoint Court Receiver, High Court, Bombay, to take possession of the Flat No.21, 4th Floor, Kailash Parvat PNB CHS Ltd., Gilbert Hill Road, Andheri (W), Mumbai

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– 400 058 (the “said flat”) with full powers under Order XL Rule 1(a) of the Code of Civil Procedure, 1908 (“CPC”) and thereafter to sell the said flat by public auction and to distribute the sale proceeds according to the Consent Terms dated 25th September 2018 filed in Suit No.178 of 2015 in Testamentary Petition No.1918 of 2014 and that the Respondent no.1 be directed to pay to the Plaintiff all sum of monies incurred by the Plaintiff for costs, charges and expenses upto the sale and satisfaction of the decree in Suit No.178 of 2015.

3. Ms.Thakre for the Applicant submits that none is present on behalf of the Respondent no.1 who is served and that an Affidavit of service to this effect has already been filed.

4. Mr.Prajyot Sawardekar, learned Counsel appears for the Respondents no.5 and 6 and submits that since the Respondents no.5 and 6 are in possession and occupation of the said flat, this Court may grant two months’ time to vacate the said premises.

5. Ms.Thakre for the Applicant submits that if that be the case, this Court may direct the Court Receiver to take symbolic possession of the said flat for a period of two months and thereafter to take physical

possession and to simultaneously take steps to have the auction schedule and the terms and conditions of the auction of the said flat finalized.

6. Ms.Thakre further submits that the Respondents no.5 and 6 have been obstructing the inspection by the parties interested in purchasing the said flat and that this Court may direct that access for inspection be given to the prospective purchasers.

7. Mr.Sawardekar appearing for the Respondents no.5 and 6 submits, on instructions, that there will be no impediment / obstruction in giving inspection to the prospective purchasers by the Respondents no.5 and 6.

8. Having heard the learned Counsel and having considered the submissions, the Court Receiver, High Court, Bombay, is appointed to take possession in respect of the Flat No.21, 4th Floor, Kailash Parvat PNB CHS Ltd., Gilbert Hill Road, Andheri (W), Mumbai – 400 058 with full powers under Order XL Rule 1(a) of the CPC.

9. Let the Court Receiver take symbolic possession of the said flat within a period of one week for a period of two months. After the expiry of the two months, the Court Receiver is directed take physical possession of the said flat. The Court Receiver to take steps firstly to value the property and appoint a valuer within a period of two weeks and the valuer to submit his report in four weeks thereafter.
10. Thereafter, the Court Receiver to place a report before this Court seeking approval of the terms and conditions of the auction as well as the auction schedule.
11. List on **25th February 2026**.

(ABHAY AHUJA, J.)