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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8167 OF 2024

M/s. Crescent Builders and Developers and Anr. .. Petitioners

Versus

Lourdes Veronica Baptista and Ors. .. Respondents

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- Mr. Karl Tamboly a/w. Mr. Parimal K. Shroff, D.V. Deokar, Mr. Sachin Pandey and Mr. Shreyas Vyas, Advocates for Petitioners.
 - Mr. Rohaan Cama a/w Mr. Shanay Shah i./by Dione C. Baptista Advocates for Respondent No.1.
 - Mr. Yash Tiwari, Advocate for Respondent Nos.2 to 4.
 - Mr. Nikhilesh Koundinya a/w. Mr. Mustafa Bohra, Advocates i/by M/s. Solomon & Co. for Respondent No.7.
 - Ms. Charushila Vaidya, 2nd Assistant to Court Receiver a/w. Ms. V.N. Worlikar, Section Officer, Court Receiver present.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 14, 2024.

P.C.:

1. Heard Mr. Tamboly, learned Advocate for Petitioners; Mr. Cama, learned Advocate for Respondent No.1; Mr. Tiwari, learned Advocate for Respondent Nos.2 to 4 and Mr. Koundinya, learned Advocate for Respondent No.7.

2. After hearing learned Advocates for the parties, it is seen that if Respondent No.1 is in a position to reconcile her dispute with the erstwhile developers represented by Mr. Tiwari as also alongwith the other Respondents who are co-owners of the Suit property, which has

been developed by Petitioner, it may enure to the benefit of the parties. One of the reasons which compels me persuade the parties to go for mediation is because there are 7 flats which are *custodia legis* as on date, out of which 4 flats are given on leave and licence and 3 are lying vacant in the developed property and these are extremely valuable flats in today's market and can serve as an ice breaker for reconciliation.

3. Respondent NO.1 is agreeable for monetary compensation and equally when the issue was put to Mr. Tiwari he has also shown inclination for mediation on taking instructions. There is an order passed that 4 flats out of 7 would belong to Mr. Tiwari's client (erstwhile developer), but they were taken over by Court Receiver under further orders of this Court.

4. In view of the above, by consent of the parties, the dispute between the parties is referred for Mediation to Justice S.J. Kathawalla, (Retired Judge of this Court). Parties are directed to approach the learned Mediator to fix the schedule of dates of meetings and shall extend complete cooperation. Learned Advocate for Petitioners and Respondent No.1 shall coordinate with the Mediator and all parties for the mediation meetings that shall be convened by the learned Mediator.

5. It is directed that the costs of mediation and the Mediator's

fee and charges shall be borne equally by the Petitioners and Respondents equally.

6. Learned Mediator is requested by this Court to submit his report to this Court on or before 13th September 2024.

7. Learned Mediator shall be at liberty and is permitted by this Court to call for any such relevant document from the parties and if so called for, the parties are directed to produce the same before the learned Mediator.

8. Parties to act on an authenticated copy of this order.

9. Stand over to **18th September 2024.**

10. In the meanwhile, ad-interim relief granted earlier, if any, shall continue.

[MILIND N. JADHAV, J.]

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