

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

COURT RECEIVER REPORT NO.71 OF 2024
IN
EXECUTION APPLICATION (L) NO.27838 OF 2022

SUREKHA DILIP GAWAND & ORS.) ORIGINAL PLAINTIFFS

V/s.

PARAS SUNDERJI DEDHIA AND ANR.) JUDGMENT DEBTORS

WITH
EXECUTION APPLICATION (L) NO.394 OF 2023
WITH
INTERIM APPLICATION NO.374 OF 2023
IN
EXECUTION APPLICATION (L) NO.394 OF 2023
WITH
INTERIM APPLICATION NO.549 OF 2023
IN
SUIT NO.48 OF 2023
WITH
INTERIM APPLICATION (L) NO.3188 OF 2024
IN
COMMERCIAL SUIT NO.242 OF 2021
WITH
EXECUTION APPLICATION NO.1741 OF 2022
WITH
CONTEMPT PETITION NO.106 OF 2019
IN
SUIT NO.440 OF 2018
WITH
CONTEMPT PETITION NO.61 OF 2019
IN
NOTICE OF MOTION NO.693 OF 2018
WITH
COUNTER CLAIM (L) NO.6422 OF 2022
IN
SUIT NO.388 OF 2022
WITH

INTERIM APPLICATION (L) NO.7447 OF 2022
IN
COUNTER CLAIM (L) NO.6422 OF 2022
WITH
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.1804 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.3385 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.24681 OF 2023
IN
SUIT NO.388 OF 2022
WITH
CONTEMPT PETITION (L) NO.26144 OF 2023
IN
SUIT NO.388 OF 2022
WITH
COUNTER CLAIM (L) NO.6422 OF 2022
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.2041 OF 2024
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION (L) NO.36089 OF 2023
IN
SUIT NO.388
WITH
INTERIM APPLICATION (L) NO.1684 OF 2021
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.1804 OF 2023
IN
SUIT NO.388 OF 2022

WITH
INTERIM APPLICATION (L) NO.3831 OF 2024
IN
INTERIM APPLICATION NO.1804 OF 2023
WITH
INTERIM APPLICATION NO.5049 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.209 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.3385 OF 2023
IN
SUIT NO.388 OF 2022
WITH
INTERIM APPLICATION NO.208 OF 2022
IN
SUIT NO.302 OF 2021
WITH
INTERIM APPLICATION NO.4710 OF 2022
IN
COMMERCIAL SUIT NO.242 OF 2021
WITH
INTERIM APPLICATION (L) NO.24681 OF 2023
IN
SUIT NO.388 OF 2022
WITH
APPEAL (L) NO.2121 OF 2024
IN
INTERIM APPLICATION (L) NO.24681 OF 2023
WITH
CONTEMPT PETITION (L) NO.26144 OF 2023
IN
SUIT NO.388 OF 2022
WITH
SUIT NO.69 OF 2024
WITH

**INTERIM APPLICATION (L) NO.27924 OF 2023
IN
SUIT NO.69 OF 2024
WITH
INTERIM APPLICATION (L) NO.27960 OF 2022
IN
EXECUTION APPLICATION (L) NO.27838 OF 2022
WITH
CONTEMPT PETITION NO.7 OF 2020
IN
SUIT NO.173 OF 2018
WITH
INTERIM APPLICATION (L) NO.31598 OF 2022
IN
EXECUTION APPLICATION (L) NO.4566 OF 2022
WITH
INTERIM APPLICATION (L) NO.34202 OF 2023
IN
EXECUTION APPLICATION (L) NO.34196 OF 2023**

Mr. Malcolm Siganporia a/w Ms.Kinjal Kakkad i/b. Mr.Jayesh R. Vyas, Advocates for the Plaintiff in Suit No.388/2022 and for the Applicant in EXA(L)/394/2023 and IA/374/2023, CONPL/26144/2023, EXA/1741/2022 and for the Plaintiff in IAL/3202/2020.

Ms. Neeta Jain a/w Mr. Dhrumil C. Shah i/b. Lex Services, Advocates for the Applicant/Plaintiff in IAL/3188/2024 a/w. IA/4710/2022 in COMS/242/2021.

Mr. Paras Gosar i/b Ms. Swati N. Chheda, Advocates for the Applicant/Plaintiff in IAL/27924 in SL/27920/2023.

Mr.Manoj Harit i/by Manoj Harit & Co., Advocate for the Intervenor in IA/3831/2024.

Mr. Bhavin Gada a/w Mr. Dhaval Visawadia, Ms. Dharni Savla i/b Harakchand & Co., Advocates for the Plaintiff in Suit No.48/2023 and Suit No.302/2021.

Mr. Aadil Parsuramporia i/b Mr. Mehul Rathod, Advocates for Applicants/Decree Holders in IAL/27960/2022, IAL/31598/2022 and IAL/34202/2023.

Ms.Gunjan Shah i/by , Advocate for the Defendants No.1 and 2 in all matters.

Mr. S.K. Dhekale, Court Receiver, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 27th FEBRUARY 2024

P.C. :

1. Pursuant to order dated 7th February 2024, today when the matter is called out, Ms.Shah, learned Counsel, appears for the original Defendants no.1 and 2 and the Judgment Debtor no.1 and submits that her client Mr.Paras Dedhia has been released from jail only on last Friday and she needs some time to file an affidavit in this regard.

2. Learned Court Receiver is present in Court and submits that pursuant to order dated 7th February 2024, his representative did visit the subject premises, however, he seeks some time to furnish a report in this regard.

3. Mr.Siganporia, Mr.Parsuramporia, Ms.Jain and Mr.Gada all appearing for the Applicants/ Plaintiffs in the Execution Applications / Suits submit that no payments have been forthcoming despite specific orders of this Court and undertakings given on behalf of Defendants no.1 and 2.

4. Ms.Shah seeks some time to take instructions and submits that she will have the original Defendant no.1 remain present in the Court on the next date along with instructions as to when and how those amounts would be paid.
5. Mr.Harit, learned Counsel for the proposed Intervenor, submits that since his client would be taking over the B Wing of the project Yash Signature, he would be taking instructions to liquidate the dues of the Applicants with respect to the subject wing.
6. Let the instructions be taken by the next date. Let the learned Court Receiver also furnish his report with copy to the others by the next date. Let the original Defendant no.1 remain present in the Court on the next date.
7. List on **14th March 2024**.
8. Let copies of the Intervention Application also be furnished to the other parties by the end of today.

(ABHAY AHUJA, J.)