

**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
COMMERCIAL EXECUTION APPLICATION NO.37 OF 2022
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
COUNTER CLAIM (L) NO.6422 OF 2022
IN
SUIT NO.388 OF 2022
WITH
CONTEMPT PETITION (L) NO.26144 OF 2023
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 OF 2022
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. Paras Gosar i/b. Swati N. Chheda for the Applicant/Plaintiff in IAL No.27924 in Suit/69/2024.

Mr.Malcolm Siganporia a/w Yash Momaya 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 in EXA(L)/394/2023, EXA/1741/2022, CONP/61/2019, CC(L)/6422/2022, IA/1804/2023, IA/3385/2023, IA(L)-24681/2023 in S/388/2022, CONPL/26144/2023, CC(L)/6422/2022, IA(L)/2041/2024, IA(L)/36089/2023 in S/388/2022, IA(L)/1689/2021 in S/388/2022, IA(L)/1804/2023 in S/388/2022, IA(L)/3831/2024 in IA/1804/2023, IA(L)/3385/2023 in S/388/2022 and APP(L)/2121/2024 in IA(L)/24681/2023.

Ms. Neeta Jain with Dhrumil C. Shah i/b. Lex Services for the Applicant/Plaintiff in IAL/3188/2024 A/W. IA/4710/2022 in COMS/242/2021.

Adv. Shweta Nisar i/b. Adv. C. J. Doveson for contemnor in CONP/61/2019.

Mr. Manoj Harit a/w Ms. Pooja Harit i/b. Manoj Harit and Co.

For the Ombs Builders LLP For Intervenor in IA/3831/2024.

Mr.Dhaval Viswadia i/b. Harakchand & Co. for the Plaintiff in Suit No.48 of 2023 and Suit No.302 of 2021.

Mr. Aadil Parsurampuria a/w Darshana Vora a/w Dhanashree Pawaskar i/b. Mehul Rathod in EXAL/27838/2022 in IAL/27960/2022, IAL No.31598 of 2022 and IAL No.34202 of 2023, IAL/15842/2024, IAL/12284/2024, IAL13005/2024 for Applicants/Decree Holders.

Advocate Keshav Borhade in COMEXA/37/2022 for Decree Holder.

Advocate Ankit Patil i/b Jay & Co. For Respondents in all Matters.

Mr. S.K.Dhekale, Court Receiver a/w Mr. Nitin Pawar, OSD.

CORAM : ABHAY AHUJA, J.
DATE : 11th JULY, 2024

PC. :

Court Receiver's Reports No. 71 of 2024, 118 of 2024 and 145 of 2024

1. Mr. Dhekale, learned Court Receiver is present in Court and submits that so far as Court Receiver's Report No. 71 of 2024 is concerned, this report is a report in compliance of order dated 17th January, 2024, passed by this Court in Interim Application No. 1804 of 2023 in Suit No. 388 of 2022 and order dated 30th January, 2024 of this Court in Interim Application (L) No. 27960 of 2022.

2. Mr. Dhekale further submits that thereafter pursuant to order dated 7th February, 2024, passed in Court Receiver's Report No. 71 of 2024, directing the occupants of Tower A of Project Yash Signature to

furnish the Court Receiver within a period of two weeks, originals of the registered PAAA along with affidavit stating the unit number and document(s) based on which they have obtained the occupancy and that a copy of the said order was directed to be displayed at a prominent place of Tower A of Yash Signature.

3. That pursuant to an appointment fixed in this behalf, on 14th February, 2024, the Court Receiver's office had pasted the order dated 7th February, 2024 at the Tower A of Yash Signature. That 15 occupants had submitted a photocopy of the documents to the representatives of the office of the Court Receiver on 21st February, 2024. Further that five claimants of the shop / flat in the under construction 'B' wing had also submitted document(s) on of 21st February, 2024 and one document on the same date was submitted in the Registry. The Court Receiver had submitted a compliance report dated 14th March, 2024, being the Court Receiver's Report No. 118 of 2024.

4. Learned Court Receiver submits that thereafter pursuant to order dated 20th March, 2024 passed in Court Receiver's Report No. 71 of 2024, the Court Receiver has taken symbolic possession of the 'A' wing of the project Yash Signature by affixing one flex board and taken

physical possession of 'B' wing of the project Yash Signature on as is where is basis. As regards the project named Yash Heights, learned Court Receiver submits that symbolic possession of the building has been taken by affixing two flex boards on the front side, after taking inspection of each and every flat/office/shop alongwith parties present and prepared detailed statement regarding who occupied the flat and on what basis.

5. Accordingly, the learned Court Receiver submits that since all the orders of this Court have been complied with, the said reports can be disposed of.

6. Learned Counsel appearing for the parties have no objection if the said Court Receiver's Reports are disposed of.

7. Accordingly, the said Court Receiver's Reports No. 71 of 2024, 118 of 2024 and 145 of 2024 stand disposed.

COMS 242 of 2021 and Interim Application (L) No. 3188 of 2024 and Interim Application No. 4710 of 2022 in COMS 242 of 2021.

8. Ms. Jain, Learned Counsel appears in the Commercial Suit No. 242 of 2021 and submits that there are two connected Interim Applications viz. Interim Application (L) No. 3188 of 2024 and Interim Application No. 4710 of 2022, which have been transferred to the Bombay City Civil Court, however, since the connected matters are pending in this Court, this Court retain the matters.

9. Since the Commercial Suit No. 242 of 2021 has statedly been transferred to the Bombay City Civil Court, in view of the notifications dated 20th November, 2023 and 16th January, 2024, it would not be possible for this Court to retain the Commercial Suit or the connected Interim Applications. However, the Plaintiff in the said suit is at liberty to make appropriate application for transfer of the same before the appropriate bench.

10. Accordingly, Commercial Suit No. 242 of 2021 along with connected Interim Applications viz. Interim Application (L) No. 3188 of 2024 and Interim Application No. 4710 of 2022 is removed from the board.

Other Execution Applications, Commercial Suits and connected applications

11. Mr. Patil, learned Advocate appears for Mr. Paras Dedhia and submits that although Mr. Paras Dedhia is out from jail, however, he is unable to attend the Court today as he is bereaved due to the sudden death of this young nephew.

12. Upon an inquiry from the Court whether vakalatnama is filed, learned Advocate submits that he has filed the same on behalf of the Respondents. Learned Associate informs after checking from the website that no such vakalatnama been filed and the vakalatnama of the earlier Advocate of Mr. Amit Dubey continues to be on record.

13. Learned Counsel appearing for the Execution Applicants, Interim Applicants as well as Plaintiffs in the suits listed before this Court submit that since Mr. Dedhia is now out of jail, he be directed to remain present in Court, so as to comply with the orders of this Court as well as the agreements signed with the Applicants/Plaintiffs.

14. Mr. Harit, who appears for the Applicants in Interim Application (L) No. 3831 of 2024 submits that although in the past eight months,

his client, the new developer who has already entered into an agreement with Mr. Paras Dedhia has been endeavouring to settle the matters, however, after Mr. Dedhia's release from the civil prison, the offers are being obstructed by Mr. Dedhia and the progress in settling the matters has become slow.

15. Be that as it may, since neither Mr. Paras Dedhia is present in Court today nor the Advocate appearing has demonstrated that he has vakalatnama in his favour, list on **29th July, 2024 on the supplementary board.**

16. Mr. Paras Dedhia is directed to remain present in the Court on the next date.

17. The previous injunctions/restraints to continue till the next date.

(ABHAY AHUJA, J.)