

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

INTERIM APPLICATION (L) NO. 34202 OF 2023  
IN  
EXECUTION APPLICATION (L) NO. 34196 OF 2023

Aruna Mohan Kamath (since deceased) ... Applicant

V/s.

M/s. Yash Builders ... Respondent

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  
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  
WITH  
COUNTER CLAIM (L) NO. 6422 OF 2022  
WITH  
CONTEMPT PETITION (L) NO. 26144 OF 2023  
WITH  
INTERIM APPLICATION (L) NO. 2041 OF 2024  
WITH  
INTERIM APPLICATION (L) NO. 36089 OF 2023  
WITH  
INTERIM APPLICATION (L) NO. 1684 OF 2021  
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  
WITH  
INTERIM APPLICATION NO. 209 OF 2022  
IN  
SUIT NO. 302 OF 2021  
WITH  
INTERIM APPLICATION (L) NO. 12284 OF 2024  
IN  
EXECUTION APPLICATION (L) NO. 27838 OF 2022  
WITH  
INTERIM APPLICATION NO.1977 OF 2024  
IN

EXECUTION APPLICATION (L) NO. 34196 OF 2023  
WITH  
INTERIM APPLICATION NO. 3385 OF 2023  
IN  
SUIT NO. 388 OF 2022  
WITH  
INTERIM APPLICATION (L) NO. 15842 OF 2024  
IN  
EXECUTION APPLICATION (L) NO. 4566 OF 2022  
WITH  
INTERIM APPLICATION NO. 208 OF 2022  
IN  
SUIT NO. 302 OF 2021  
WITH  
INTERIM APPLICATION (L) NO. 24681 OF 2023  
IN  
SUIT NO. 388 OF 2022  
WITH  
APPLICATION (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  
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

Mr. Paras Gosar i/b. Swati N. Chheda for the Applicant/Plaintiff in IAL No.27924 in Suit/69/2024.

Mr. Malcolm Sigamporia 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)/3831/2024 in IA(L)/1804/2023, IA(L)/ 3385/2023 in S/388/2022, and APP(L)/2121/2024 in IA(L)/24681/2023.

Ms. Swara Nerurkar i/b. Adv. C. J. Doveson for contemnors in CONP/61/2019.

Mr. Manoj Harit through V.C. a/w Ms. Pooja Harit i/b. Manoj Harit and Co. For the Ombs Builders LLP For Intervenor in IA/3831/2024.

Mr. T.V. Dhotre Advocate for Paras Dedhia (Resp).

Mr. Aadil Parsurampuria a/w Mr. Mehul Rathod, Ms. Darshana Vora, Adv. Ameya Khot i/b. Mehul Rathod in IAL/27960/2022, IAL No.31598 of 2022 and IAL No.34202 of 2023, for Applicants/Decree Holders.

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

Mr. Ankit Patil i/b Jay & Co. For Respondents in COMEX/37/2022.

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

**CORAM : ABHAY AHUJA, J.**  
**DATE : 29<sup>th</sup> JULY, 2024**

**PC. :**

1. Pursuant to earlier order of this Court, ending with Order dated 11<sup>th</sup> July 2024, today, when the matter is called out, Mr. Paras Dedhia is present in Court in person. Mr. Dhotre appears for Mr. Paras Dedhia and seeks some time to file a Vakalatnama.

2. Mr. Harit appearing through Video Conferencing submits that yesterday evening there was a meeting with all the stakeholders where

Mr. Paras Dedhia was also present and that it has inter-alia been decided that once the agreements in favour of the various tenants are executed and registered, Mr. Harit's client would make payment and that Consent Terms be directed to be drawn up in the matters as far as the project Yash Signature is concerned.

3. Let Mr. Dhotre representing Mr. Paras Dedhia to coordinate with all concerned and so that draft Consent Terms can be furnished to this Court by the next date.

4. Further, as far as the project Yash Signature is concerned, both Mr. Siganporia and Mr. Parsurampururia submit that since the property is being Flat No. 2702 and 2703 in the building known as The Park Lower Parel has been mortgaged to IIFL Home Finance Limited ("IIFL") and Mr. Dedhia has been servicing the loans to IIFL, this Court direct that notice be issued to IIFL in Execution Application (L) No. 394 of 2023, Execution Application (L) No. 34196 of 2023 and Execution Application No.1714 of 2022, so that once it is known what are the amounts due to IIFL, the balance that remains from the sale of the said two flats can be used to pay the outstandings to the Applicants in these Applications.

5. Accordingly, issue notice to IIFL having address at IIFL House, Sun Infotech Park, Road No. 16V, Plot No. B-23, MIDC, Thane,

Industrial Area, Wagle Estate, Thane – 400 604 with directions to remain present through Director/Authorized Representative/duly appointed Advocate of this Court on the next date with instructions as to the outstanding loan amounts with respect to Flats No. 2702 and 2703.

6. Both Mr. Siganporia and Mr. Parsurampururia draw this Court's attention to order dated 25<sup>th</sup> April 2024 and in particular to paragraph 4 thereof submitting that there were agreements which Mr. Paras Dedhia was to execute in favour of the Applicants in Interim Application No. 374 of 2023 in Execution Application (L) NO. 394 of 2023 and in Interim Application (L) No. 27960 of 2022 in Execution Application (L) No. 27838 of 2022 by 25<sup>th</sup> April 2024, however since Mr. Paras Dedhia was incarcerated in Arthur Road Jail pursuant to orders of this Court, it was not possible for him to execute the said Agreements, but now that Mr. Dedhia is out of jail, he may be directed to execute and registered those agreements. Mr. Dhotre appears for Mr. Paras Dedhia to revert with the timeline by the next date.

**COMMERCIAL EXECUTION APPLICATION NO. 37 OF 2022**

7. At the outset, learned counsel submit that although Commercial Execution Application No. 37 of 2022 was de-tagged, it is

still showing with the other body of matters. The Registry is directed to de-tag this matter.

8. Mr. Patil appears for the Applicant and submits that this matter also be listed on the same date as the other matters in as much as until Mr. Dedhia signs the Development Agreement with Mr. Harit's client, his client would not receive the money.

**INTERIM APPLICATION NO.549 OF 2023**

**IN**

**SUIT NO. 48 OF 2023**

9. As regards, Interim Application No. 549 of 2023 in Suit No. 48 of 2023 is concerned, it is submitted that the said matter has already been transferred to the Bombay City Civil Court and the same be removed from the Board.

10. Accordingly, the Registry to remove the said matter along with the Suit from the Board.

**INTERIM APPLICATION (L) NO. 27924 OF 2023**

**IN**

**SUIT NO. 69 OF 2024**

11. Mr. Gosar appears in Interim Application (L) No. 27924 of 2023 in Suit No. 69 of 2024 also submits that in view of the suit valuation, the Suit has already been transferred to the Bombay City Civil Court

and the same may be removed from Board. The Registry to act accordingly.

12. List on 13<sup>th</sup> August 2024 on the supplementary board.
13. Previous injunction/restriction to continue till the next date.
14. Mr. Paras Dedhia is directed to remain present in this Court on the next date as well.

**(ABHAY AHUJA, J.)**