

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
EXECUTION APPLICATION NO. 1741 OF 2022
WITH
CONTEMPT PETITION NO. 106 OF 2019
IN
SUIT NO. 440 OF 2019
WITH
CONTEMPT PETITION NO. 61 OF 2019
IN
NOTICE OF MOTION NO. 693 OF 2018
WITH
SUIT NO. 388 OF 2022
WITH
INTERIM APPLICATION NO. 3385 OF 2023
IN
SUIT NO. 388 OF 2022
WITH
CONTEMPT PETITION (L) NO. 26144 OF 2023
IN
SUIT NO. 388 OF 2022
WITH
CONTEMPT PETITION (L) NO. 24681 OF 2023
IN
SUIT NO. 388 OF 2022
WITH

INTERIM APPLICATION NO. 1805 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 OF 2022
WITH
INTERIM APPLICATION (L) NO. 1684 OF 2021
IN
SUIT NO. 388 OF 2022
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 (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 (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. 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. Malcom Siganporia with Mr. Yash Homaya, Ms. Kinjal Kakkad i/b Mr. Jayesh R. Vyas, Advocate for the Plaintiff in Suit No. 388/22, for the Applicant in EXAL 294/23, IA 274/23 in EXAL 394/23, EXA 1741/22, CONP 61/19, CCL 6422/22, IA 1804/23, IA3385/23 IAL 24681/23 in S 388/22, CONPL 26144/23, CCL 6422/22, IAL 2041/24, IAL 36089/23 in S 388/22, IAL 1689/21 in S 388/22, IAL 1804/23 in S 388/22, IAL 3831/24 in IA 1804/23, IAL 3385/23 in S 388/22 and APPL 2121/24 in IAL 24681/23.

Ms. Swara Nerurkar i/b Adv C. J. Doveson for contemnor in CONP 61/19.

Mr. Manoj Harin i/b Manoj Harin & Co. for the OMBS Builders LLP for Intervenor in IA 3831/24.

Mr. Ajay Bhise i/b Mr. Tejas Dotre for Paras Dedhia-Respondent in all matters.

Mr. Aadil Parsurampuria with Mr. Mehul Rathod, Ms. Darshana Vora, Mr. Ameya Khot i/b Mehul Rathod in IAL 27960/22, IAL 31598/22 and IAL 34202/23 for Applicant / Decree Holders.

Mr. Alimeddin A. Sayyad, IIFL Home Finance Ltd. (Authorised Officer).

**CORAM : ABHAY AHUJA, J.
DATE : 13th AUGUST, 2024**

PC. :

1. Pursuant to the order dated 29th July 2024, today when the matter is called out, Mr. Harit, learned Counsel appearing for the incoming developer and Mr. Bhise, learned Counsel appearing for Mr. Paras Dedhia submit that within a period of two weeks, their clients would enter into registered agreement with each other as well as file consent terms with respect to the project Yash Signature and comply with the requests made on behalf of Mr. Bharat Dedhia vide communication dated 10th July, 2024.
2. Mr. Bhise, learned Counsel undertakes to file vakalatnama during the course of this week.
3. One Mr. Sayyad, appears as authorised signatory of IIFL Homes Finance Limited and undertakes to file an affidavit by the next date with respect to the Flats No. 2702 and 2703 in the building known as The Park Apartment, Lower Parel, which have been mortgaged to them and also appoint an Advocate by the next date.

4. As regards the project Yash Heights, Mr. Bhise, on instructions, undertakes that in respect of the said project as well his client would enter into registered agreements with the the tenants/ parties within a period of two weeks.
5. List on **5th September, 2024.**
6. The previous injunction/restraint/restriction to continue till the next date.
7. Mr. Paras Dedhia is directed to remain present in the Court on the next date as well.

(ABHAY AHUJA, J.)