

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

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

ARUNA MOHAN KAMATH (since deceased))...APPLICANTS

V/s.

MESSERS 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 2018
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
INTERIM APPLICATION (L) NO. 24681 OF 2023
IN
SUIT NO. 388 OF 2022

WITH
INTERIM APPLICATION NO. 1804 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.Sandeep Dhangar 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.

Mr. Manoj Harit a/w. Ms.Saloni Dhawale i/b Manoj Harin & Co. for the OMBS Builders LLP for Intervenor in IA 3831/24.

Mr. Aadil Parsurampur, through Video Conferencing, a/w. Mr. Mehul Rathod, Ms. Darshana Vora i/b Mehul Rathod in IAL 27960/22, IAL 31598/22 and IAL 34202/23 for Applicant / Decree Holders.

Ms.Priyanka Fadia, through Video Conferencing, Advocate for IIFL Home Finance Ltd.

Ms.Pritee Tapadia i/by Bhide & Associates for Respondent no.18 – ICICI Bank in IA/1977/2024.

Mr.Ajay Bhise for Paras Dedhia-Respondent in all matters.

Mr.Nitin Pawar, Officer on Special Duty, Court Receiver's Office, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 22nd OCTOBER 2024

P.C. :

1. Pursuant to order dated 16th August 2024, today when the matter is called out, Mr.Harit, learned Counsel, appears for the OMBS Builders LLP and submits that as far as the project Yash Signature is concerned, his client has entered into registered development agreement dated 13th September 2024 with Mr.Paras Dedhia.

2. Mr.Bhise, learned Counsel, appears for Mr.Paras Dedhia and submits that Mr.Dedhia, as directed by this Court, is present in Court and also confirms that the said development agreement has been entered into with OMBS Builders LLP.

3. As regards the project Yash Heights is concerned, Mr.Bhise submits that since Mr.Nigale, who was the Applicant/Decree holder in Execution Application (L) No.394 of 2023 has passed away and the details of his heirs are yet to be furnished to him, his client could not enter into registered agreements with the tenants / parties within the period of two weeks, as undertaken on the last occasion and that once

the information with respect to the Mr.Nigale's heirs is furnished, the said registered agreements would be entered into within a period of four weeks, not only with respect to the heirs of the Applicant in Execution Application (L) No.394 of 2023 but also with respect to the Applicant in Execution Application (L) No.27838 of 2022. Statement is accepted.

4. Ms.Priyanka Fadia, learned Counsel, appears through video conferencing for IIFL Home Finance Ltd. and submits that on the last occasion information with respect to the flats no.2702 and 2703 in the building known as The Park Apartment, Lower Parel, which had been mortgaged to them was to be furnished to this Court, however, the said information has been obtained but some time be granted to file an appropriate affidavit. Ms.Fadia would submit that as far as flats no.2702 and 2703 are concerned, as on 4th September 2024, the amount outstanding is Rs.5,19,40,341/- and there is also another MSME loan of Rs.32,00,000/- outstanding. That, therefore, a total of Rs.5,52,19,980/- outstanding, payable to IIFL Home Finance Ltd. by Mr.Paras Dedhia. Let an appropriate affidavit in this regard be placed on record by the next date.

5. List on **18th December 2024**. Liberty to apply in case of urgency.

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.)