

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13464 OF 2025

Sandhya Shirish Deshmukh

...Petitioner

Versus

Shreenath Tower Cooperative Housing
Society Ltd & Ors

...Respondents

Mr. Pradeep Thorat, i/b Vaishali Thorat, for the Petitioner.

Ms. Pavitra Manesh, for Respondent No.1.

Ms. Kadambari Patil, for Respondent No.2.

Ms. Leena Patil, 'B' Panel Advocate a/w Ms. Savina Crasto, AGP
for the State – Respondent No.3.

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH
SUBHASH
KULKARNI
Date: 2025.12.10
18:34:58 +0530

CORAM: N. J. JAMADAR, J.

DATED: 10th DECEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for respondent Nos.15 and 16 submit that, in the intervening period, the possession of the subject flats has been handed over to defendant No.15, who, in turn, has handed over the said flats to defendant No.16 – the developer.
3. The learned Counsel for defendant Nos.15 and 16 submits that, defendant Nos.15 and 16 are willing to file undertakings on affidavit in accordance with the Draft of Undertaking tendered before this Court, before the City Civil Court.

4. A Draft of Undertaking tendered on behalf of defendant No.15 is taken on record and marked 'X'.

5. A Draft of Undertaking tendered on behalf of defendant No.16 is taken on record and marked 'X1'.

6. In view of the report submitted by the Court Receiver, High Court, Bombay, to discharge the Court Receiver, the parties agree that the amount to be deposited in terms of Clauses 3 and 4 of the impugned order be deposited by defendant No.16 in the City Civil Court in Suit No.8626 of 2002.

7. The petition, thus, stands disposed with the following directions:

(i) Defendant Nos.15 and 16 shall file the undertaking, in accordance with the Draft of Undertakings ('X' and 'X1') tendered before this Court, before the City Civil Court on affidavits, within a period of one week from today.

(ii) The statements made in the undertakings would be construed as undertakings to the City Civil Court.

(iii) Clauses 3 and 4 of the impugned order shall stand modified to the extent that, defendant No.16 would deposit the amounts indicated therein before the City Civil Court in Suit No.8626 of 2002.

(iv) Upon deposit of the aforesaid amount, the learned Judge, City Civil Court, shall pass appropriate orders to invest the said amount in an interest bearing account.

(v) The said amounts along with interest accrued therein shall abide the final order to be passed by the City Civil Court.

(vi) The petitioner is at liberty to make a prayer before the City Civil Court to continue the appointment of the Court Receiver till the final adjudication of the suit.

(vii) All questions shall remain open for adjudication before the City Civil Court.

(viii) The learned Judge, City Civil Court, is requested to hear and decide the suit as expeditiously as possible.

(ix) All parties shall render necessary co-operation in the expeditious adjudication of the suit.

[N. J. JAMADAR, J.]