

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

**SUITS NO. 180 OF 2015
WITH
NOTICE OF MOTION NO.259 OF 2015
IN
SUITS NO. 180 OF 2015**

Sumitra Shashikant Khokhani And 14 Ors. ...Plaintiffs
Versus
M/S. Westbury Finvest Pvt. Ltd. And 8 Ors. ...Defendants

**WITH
INTERIM APPLICATION (L) NO.6025 OF 2025
IN
SUITS NO. 180 OF 2015**

Rajiv C. Khokhani ...Plaintiff
Versus
Sumitra Shashikant Khokhani And Ors. ...Defendants

Mr. Ranjeev Carvalho i/b Prabhanjan Gujar for Plaintiffs.
Mr. Sanjiv Sawant a/w Abhishek Matkar & Malhar Bageshwar for Defendant Nos,1 to 3.
Mr. Mritunjay Barai a/w dushyant Lilani for Defendant No.4.
Ms. Apurva Dalal a/w Pooja Yadav i/b Komal Punjabi for Defendant Nos.7, 8 & 9.

**CORAM : ARIF S. DOCTOR, J.
DATE : 3rd NOVEMBER 2025**

P.C.

1. Mr. Sawant, learned counsel appearing on behalf of Defendant Nos.1 to 3 at the out set submitted that the Suit itself was not maintainable, since the

agreement in respect of which the Plaintiff has sought specific performance has not been executed by the landowner i.e. Defendant No.4. He thus submitted that Defendant Nos.1 to 3 were in the process of taking out the application for summary dismissal of the Suit.

2. Given this, let the captioned Interim Application be taken up for hearing after such proposed Interim Application is filed. It is, however, made clear that if no such Interim Application is filed within a period of two weeks, then the Court shall proceed to take up the captioned Interim Application.

3. It was then put to parties that given the issue involved as to whether their respective clients would be willing to refer their disputes and differences to mediation. On instructions, learned counsel for the Plaintiff as also learned counsel for Defendant Nos.1 to 3 and Defendant No.4 submitted that their clients were willing to submit the dispute and differences which arise in the present Suit to mediation. Accordingly, I appoint Mr. Shanay Shah to act as a mediator in the matter, in an attempt to bring about resolution.

4. The details of Mr. Shanay Shah are as follows:

Name: Shanay Shah
Address: Office No.17-A, 4th Floor,
Surya Mahal, Burjori Bharucha Marg,

Fort, Mumbai- 23.

Contact: 9987483450

Email : shahshanay@gmail.com

5. On a copy of this order being uploaded, the counsel for the parties shall jointly approach the mediator to enable him to fix a schedule for mediation.
6. The necessary cost, charges and expenses for mediation shall be borne equally by the parties.
7. Stand over to **17th November 2025**.

(ARIF S. DOCTOR, J.)