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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 5068 OF 2025

IN

COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025

Evertop Apartments Cooperative
Housing Society Limited

... Applicant

Versus

Lotus Logistics and Developers Pvt Ltd

... Respondent

WITH

INTERIM APPLICATION NO. 5533 OF 2025

IN

INTERIM APPLICATION NO. 5068 OF 2025

INTERIM APPLICATION NO. 6671 OF 2025

INTERIM APPLICATION NO. 6670 OF 2025

WITH

COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025

.....

Mr. Ashish Kamat, Senior Advocate alongwith Mr. Vikramjit Garewal, Ms. Ria Goradia and Mr. Tejaswi Pania instructed by IC Legal, Advocate for the Applicant in COMEX-90-2025.

Mr. Dharam Jumaní alongwith Mr. Arun Panickar and Mr. Vinay Nair, Advocate for the Respondent No.1.

Mr. Mangesh Sawant instructed by Mr. Milind Nar, Advocate for the Respondent No.5 and 6.

Mr. Dharam Jumaní alongwith Mr. Sahil Saiyed, Advocate for the Respondents No.2 and 3 and for the Applicant in IA-6670-2025.

Mr. Navroz Seervai, Senior Advocate alongwith Mr. Mayur Khandeparkar, Ms. Nikita Bhansali, Mr. Amir Shah and Ms. Drishti Solanki instructed by Yasmin Bhansali & Co., Advocate for the Respondent No.4 in IA-5068-2025 and for the Applicant in IA-5533-2025.

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CORAM : **ABHAY AHUJA, J.**
DATE : **6 NOVEMBER 2025**

PC. :

1. Pursuant to the earlier orders of this Court, today when the matter is called out, Mr. Seervai, learned Senior Counsel, appearing for the Applicant-Developer in Interim Application No.5533 of 2025 submits that the said Interim Application has been taken out on 19th September 2025, seeking an order deleting the said Applicant who is Respondent No.4 in Interim Application No.5068 of 2025 in Commercial Execution Application No.90 of 2025.

2. Mr. Seervai fairly submits that this Interim Application has been filed on 19th September 2025 after the order dated 18th September 2025 was passed in Interim Application No.5068 of 2025, pursuant to which this Court had granted an order of status quo as regards the Jogeshwari property, by which the Interim Applicant in Interim Application No.5533 of 2025 and the Respondent No.4 in Interim Application No.5068 of 2025 is affected.

3. Mr. Seervai has also pointed out that against the order dated 18th September 2025, a Special Leave Petition had been preferred in the Hon'ble Supreme Court and the Hon'ble Supreme Court declined to

entertain the Special Leave Petition but has expressed that the matter be heard expeditiously.

4. It is observed from the order of the Hon'ble Supreme Court that the order dated 18th September 2025 in Interim Application No.5068 of 2025 filed by the Execution Applicant was under consideration and it is with respect to the said Application that the Hon'ble Supreme Court has expressed expectation that this Court will hear the matter expeditiously and not with respect to Interim Application No.5533 of 2025 which has been filed after the order dated 18th September 2025.

5. Mr. Kamat, learned Senior Counsel, appearing for the Execution Applicant and for the Interim Applicant in Interim Application No.5068 of 2025 and for the Respondent No.1 in Interim Application No.5533 of 2025 has sought to file and serve a reply in the said application seeking deletion of the Respondent No.4.

6. Mr. Seervai has strongly objected to the same, submitting that the said Interim Application No.5533 of 2025 had been served over a month back and the reply is sought to be filed just when the matter is being opened.

7. Considering that any decision in Interim Application No.5533 of 2025 would not only affect the Interim Applicant therein but also the

Respondent No.1 therein, it would be in the fitness of things that the reply be permitted to be filed in Interim Application No.5533 of 2025.

8. Accordingly, let reply in Interim Application No.5533 of 2025 be filed and served during the course of the day. Rejoinder, if any, be filed by the next date, with copy to the other side.

9. Registry also to accept the reply/rejoinder in Interim Application No.5068 of 2025.

10. List on **11th November 2025 at 4.00 p.m.**

11. Earlier order of status quo in Interim Application No.5568 of 2025 to continue till the next date.

(ABHAY AHUJA, J.)