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

EXECUTION APPLICATION NO. 131 OF 2000

M/s. Riddhi Siddhi Construction Co. ....Petitioner
V/S
M/s. Door Darshan Employees Co-op.
Hsg. Scty. Ltd. ....Respondent

WITH
CHAMBER SUMMONS NO. 1185 OF 2011
In
EXECUTION APPLICATION 131 OF 2000

Riddhi Siddhi Construction Co. ....Petitioner
V/S
Door Darshan Employees Chs. Ltd. And ....Respondent

WITH
CHAMBER SUMMONS NO. 12 OF 2018
In
CHAMBER SUMMONS 1185 OF 2011

Riddhi Siddhi Construction Co. ....Petitioner
V/S
Door Darshan Employees Chs. Ltd. And ....Respondent

WITH
INTERIM APPLICATION NO. 1860 OF 2026
IN
EXECUTION APPLICATION 131 OF 2000

Veluben Ghelabhai Shah ....Petitioner
V/S
Door Darshan Employees Co Op ....Respondent

Mr. Karan Dua a/w. Mr. Abdul Basit Kudalkar, Mr. Prasad Mhamunkar i/b NDB Law for Execution Applicant.
Mr. Ankit Lohia (through VC) a/w. Mr. Harsh Pathak for Applicant in IA/1860/2026.

CORAM : S. M. MODAK, J.

DATE : 14th OCTOBER 2026

P. C. :-

CHAMBER SUMMONS NO. 12 OF 2018

1. Heard learned advocate for the Award-holder/Applicant. By Chamber Summons No.12 of 2018 he is praying for modification of the Report dated 8th December 2017 given by the Commissioner. The Commissioner has ascertained the liability to the extent of Rs.84,28,270/- as on 5th October 2017. This amount is to be paid by the Award-debtor to the Award-holder. Whereas the Award-holder contends that in fact they owe amount of Rs.1,31,72,037/- There is Reply filed by Award-debtor disputing this liability. Today no one is present on behalf of the Award-Debtor.

2. It is submitted on behalf of the Award-holder that instead of this Court deciding the Chamber Summons, let the issue be remanded to the Commissioner for taking accounts, for hearing both parties and to

submit fresh report. This can certainly be done because if the Award-holder has some grievance about the Report given by the Commissioner, they can be granted liberty to point out the lacunas to the Commissioner. Even the Award Debtor is at liberty to put forth his case. Hence the following order:

ORDER

i. Let both the parties be relegated to the Commissioner for taking accounts.

ii. Award-holder is at liberty to put forth his claim about the amount quantified by the Commissioner. Even the Award- Debtor is at liberty to point out his submission.

iii. After hearing both of them, the Commissioner for taking accounts is directed to submit fresh Report.

3. In view of that, Chamber Summons is disposed of. Once the Report is received the parties are at liberty to take appropriate steps.

4. Let the copy of this order be served by the learned advocate for the Applicant on learned advocate for the Award-Debtor.

INTERIM APPLICATION NO. 1860 OF 2026

5. Heard learned advocate for the Applicant. He is seeking intervention on the basis of the Award dated 23rd August 1999 declared by the sole Arbitrator. There are 6 recognized allottees who have to receive the possession from the Award-Debtor on payment of certain sum of money which is mentioned in paragraph 7 of the award. Out of them present applicant is at Serial No.6.

6. The amount to be paid by him is also mentioned therein. He submits he is ready to pay that amount. That is why he is seeking intervention. It is opposed on behalf of the award debtor. No one is present on his behalf. At this juncture it only needs to be seen whether the applicant can be joined as a party. Once he is the beneficiary of the award and there is execution application, he can certainly be joined as a party. Right of the parties are kept open. There is also request that let the Society be directed to disclose about the status of the flat which is to be allotted to the applicant.

7. In view of that the following order is passed:

ORDER

i. Interim Application is allowed in terms of prayer clause (a).

ii. Award holder is directed to join the present Applicant as Respondent. Amendment to be carried out within two weeks.

iii. Re-verification is dispensed with.

iv. Award Debtor-Society is directed to disclose on Affidavit the status of the flat which is to be allotted to the Applicant.

8. Interim Application is disposed of.

9. Let the copy of this order be served by the learned advocate for the Applicant on learned advocate for the Award-Debtor.

[S. M. MODAK, J.]