

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

**INTERIM APPLICATION NO. 5068 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025**

**EVERTOP APARTMENTS COOPERATIVE)
HOUSING SOCIETY LIMITED)...APPLICANT**

V/s.

LOTUS LOGISTICS AND DEVELOPERS PVT. LTD.)...RESPONDENT

**WITH
INTERIM APPLICATION NO. 5533 OF 2025
IN
INTERIM APPLICATION NO. 5068 OF 2025
WITH
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025
WITH
INTERIM APPLICATION NO. 6670 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025
WITH
INTERIM APPLICATION NO. 6671 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025**

Mr.Ashish Kamat, Senior Advocate a/w. Mr.Piyush Raheja, Mr.Vikramjit Garewal, Mr.Aadil Parsurampur, Mr.Tejas Agarwal, Ms.Ria Goradia and Ms.Tejaswi Pania i/by IC Legal, Advocate for the Original Applicant.

Mr.Prateek Seksaria, Senior Advocate a/w. Mr.Dharam Juman and Mr.Arun Panicker, Advocate for the Respondent no.1.

Mr.Navroz Seervai, Senior Advocate a/w. Mr.Priyank Kapadia, Ms.Nikita Bhansali and Ms.Prabjyot Kaur i/by Yasmin Bhansali & Co., Advocate for the Respondent no.4 in IA/5068/2025 and for the

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Applicant in IA/5533/2025.

Mr.Dharam Jumaní a/w. Mr.Sahil Sayed and Mr.Somesh Pathak,
Advocate for the Respondents no.2 and 3 in IA/5068/2025.

CORAM : ABHAY AHUJA, J.

DATE : 22nd JANUARY 2026

P.C. :

1. Pursuant to order dated 14th January 2026, today when the matter is called out, Mr.Kamat, learned Senior Counsel, appearing for the Applicant in the Commercial Execution Application tenders across the bar a draft schedule of amendments pursuant to order dated 13th January 2026 in Commercial Arbitration Petition (Lodging) No.34791 of 2024 with Interim Application (Lodging) No.27998 of 2025 in Commercial Arbitration Petition (Lodging) No.34791 of 2024 submitting that the said amendments be permitted as they are consequential to passing of the said order and re-verification be dispensed with.

2. The learned Senior Counsel appearing for the Respondents no.1 to 4 have no objection if the draft schedule of amendments is allowed and re-verification is dispensed with.

3. Let the amendments as per the draft schedule of amendments be carried out within a period of one week. Re-verification is dispensed with.

4. Mr.Seksaria, learned Senior Counsel appearing for the Defendant no.1, seeks to file an Additional Affidavit in response, in view of the decision of the Single Judge dated 13th January 2026 in Commercial Arbitration Petition (Lodging) No.34791 of 2024 with Interim Application (Lodging) No.27998 of 2025 in Commercial Arbitration Petition (Lodging) No.34791 of 2024, submitting that a copy has just been served upon the learned Senior Counsel for the Applicant.

5. Mr.Seervai, learned Senior Counsel, also seeks to tender across the bar a response in view of the decision of the Single Judge dated 13th January 2026 in Commercial Arbitration Petition (Lodging) No.34791 of 2024 with Interim Application (Lodging) No.27998 of 2025 in Commercial Arbitration Petition (Lodging) No.34791 of 2024, which he submits was served upon the Applicant earlier.

6. Mr.Kamat, learned Senior Counsel, also seeks to tender across the bar a reply to the Additional Affidavit sought to be filed by Mr.Seervai appearing for the Respondent no.4. Mr.Kamat submits that the

Affidavits of Respondents no.1 to 3 have just been received from Mr.Seksaria.

7. Registry to accept the Affidavits.
8. List on **29th January 2026**.
9. The Execution Applicant is at liberty to respond to the Additional Affidavit filed on behalf of the Respondents no.1 to 3. Rejoinders to the replies may also be filed by the next date.

(ABHAY AHUJA, J.)