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

**INTERIM APPLICATION NO. 5154 OF 2025
IN
SUIT NO. 491 OF 2023**

Health View Holiday Resorts Ltd.

...Applicant

V/s.

Sabina Lakdawala W/o. Late

Shri Yusuf M. Lakdawala &10 Ors.

...Respondents

**WITH
INTERIM APPLICATION NO. 5043 OF 2025
IN
SUIT NO. 491 OF 2023
WITH
INTERIM APPLICATION NO. 812 OF 2026
IN
SUIT NO. 491 OF 2023
WITH
INTERIM APPLICATION NO. 5317 OF 2025
IN
SUIT NO. 491 OF 2023
WITH
INTERIM APPLICATION NO. 4858 OF 2025
WITH
APPEAL NO. 69 OF 2026
WITH
INTERIM APPLICATION NO. 4040 OF 2025
IN
INTERIM APPLICATION NO. 4053 OF 2025
WITH
INTERIM APPLICATION NO. 4052 OF 2025
IN
INTERIM APPLICATION NO. 4053 OF 2025
WITH
INTERIM APPLICATION NO. 4042 OF 2025
IN
INTERIM APPLICATION NO. 4053 OF 2025**

Mr. Mathews Nedumpara (through V.C.) a/w. Mr. Dayanand Hebballi i/b.

Nedumpara and Nedumpara for the Plaintiff.

Mr. Shiraz Rustomjee, Senior Counsel a/w. Mr. Mustafa Bohra, Ms. Shruti Mehta and Ms. Divya Raut i/b M/s. Solomon & Co., for Defendant nos. 1, 2, 5 to 7 and for Applicant in IA/1050/2026.

Mr. Chandra Naik, Mr. Vinod Sakpal & Ms. Shrutika Pawar i/b. Chandra Naik & Associates, for Defendant no. 4 and for Applicant in IA(L)/15007/2026

Mr. Zal Andhyarujina, Senior Advocate a/w Mr. Karl Tamboly (through VC) a/w. Mr. Nitesh Ranavat, Mr. Aashdin Chhivalwala & Mr. Vedant Joshi i/b. Wadia Ghandy & Co. for Applicant in IA/5154/2025

Mr. Meiron Damania, a/w. Mr. Rajendra Rathod, Mr. Sohail Ahmed i/b Mr. Dhruv B. Jain for Applicant in IA/812/2026.

Mr. Mutahhar Khan i/b. Mr. Mohamed Rehan Chhapra for Defendant no. 3 and for Applicant in IA/5043/2025 & IA/4858/2025.

Mrs. Nandini Deshpande, 1st Assistant to Court Receiver, present.

CORAM : FARHAN P. DUBASH, J.

DATE : 06th MAY 2026

P. C.:

INTERIM APPLICATION NO. 812 OF 2026

1. Pursuant to the order dated 20th April 2026, the Applicant has deposited a sum of Rs. 2,26,48,202.74/- with the Prothonotary and Senior Master of this Court by a demand draft dated 6th May 2026 drawn on Union Bank of India. The said amount shall be forthwith deposited into the suit account that is maintained by the Prothonotary and Senior Master in the matter. Considering this, with the consent of all parties, the following order is passed:-

:: ORDER ::

(i) Six letters of allotment, all dated 18th June 2012 in respect of Flat nos. 2508, 2603, 2007, 2604, 2006 and 2601 situated in the building known as Fatima Heights, situated at Memonwada Road/Bit Imamwada, Mumbai – 400 009 bearing CS no. 1521 of Mandvi Division shall stand canceled and the Court Receiver who was appointed as per the order dated 27th January 2025 with respect to the said property shall stand discharged without the requirement of passing any accounts.

2. In view of the aforesaid, Interim Application No. 812 of 2025 is disposed of with no order as to costs.

SUIT NO. 491 OF 2023

3. By consent of the parties, the following order is passed for distribution of amounts that are presently lying deposited with the Prothonotary and Senior Master of this Court :

(A) Out of the sum of Rs. 45,69,389/- stated to be lying with the Prothonotary and Senior Master of this Court, the following amounts shall be paid forthwith paid by him to the following parties :

- (i) Plaintiff – Rs. 10,15,318.24/-
- (ii) Defendant no. 3 – Rs. 17,77,035.38/-
- (iii) Defendant no. 4 – Rs. 17,77,035.38/-

It is clarified that the aforesaid amounts have been calculated on the basis of the percentages recorded in the Order dated 18th August 2025 passed by this Court, whereunder the Plaintiff has been held to be entitled to 22.22%, whilst Defendant nos. 3 and 4 have been held to be entitled to 38.89% each.

(B) Out of the sum of Rs. 2,26,48,202.74/- deposited by the Applicant in Interim Application No. 812 of 2026 with the Prothonotary and Senior Master of this Court, the below mentioned amounts shall be forthwith paid by him to the following parties:

Sr	Party	Amount (Rs)	Total Amount (Rs)
1	Plaintiff	25,00,000 + 4,06,024.43	29,06,024.43
2	Defendant no. 1	87,50,000 – 18,27,292.66	69,22,707.34
3	Defendant no. 3	43,74,000 + 7,10,634.11	50,84,634.11
4	Defendant no. 4	43,74,000 + 7,10,634.11	50,84,634.11
		TOTAL :	1,99,98,000.02

(I) The aforesaid amounts have been distributed in the following ratio:

- (i) Plaintiff – 12.5%
- (ii) Defendant No. 1 – 43.75%

(iii) Defendant No. 3 – 21.87%

(iv) Defendant No. 4 – 21.87%

(II) Out of the aforesaid amount of Rs. Rs. 2,26,48,202.74, a sum of Rs. 26,50,202.72 shall be retained by the Prothonotary and Senior Master.

(III) On the basis of the submission made by Defendant No. 1 that an amount of Rs. 18,27,292.66/- still remains outstanding and due and payable by him to the Plaintiff and Defendant nos. 3 and 4, the said amount has been deducted from his share (43.75%) and thereafter, added/distributed between the Plaintiff (22.22%), Defendant No. 3 (38.89%) and Defendant No. 4 (38.89%).

4. It is clarified that this order and the distribution of the monies that is agreed upon by the parties, is without prejudice to all their rights and contentions, including those of Defendant no. 4, who states that a shortfall of approximately Rs. 48,00,000/- still remains due and payable to her by Defendant No. 1 and in respect whereof, all parties, including Defendant no. 4, are at liberty to take out appropriate proceedings, which shall be decided on their own merits.

5. It is clarified that all further amounts that may be received by the Prothonotary and Senior Master towards license fees shall be distributed between the parties in the ratio of 12.5% to the Plaintiff, 43.75% to the Defendant no. 1 and 21.87% to Defendant no. 3 and 21.87% to Defendant no. 4.
6. Mr. Shiraz Rustomjee, learned Senior Counsel appearing on behalf of Defendant no. 1, on instructions from his client, which are received telephonically by the Advocate-on-Record in Court today, makes the following statement:
 - (i) Defendant nos. 1, 2, 5, 6, and 7, either by themselves, directly or indirectly, or through any other companies, have not received any amount towards licence fees in respect of any of the properties over which the Court Receiver, High Court, Bombay, has been appointed in the present Suit from January 2025 onwards. The same is accepted by this Court.
7. On or before **15th May 2026**, the Court Receiver shall forthwith address a communication to all the licensees of the subject properties as referred to in the order dated 27th January 2025 (at paragraph 16) directing them to deposit arrears of license fees including any escalation therein, if any; GST wherever applicable and monthly license fees in compliance with the orders dated 5th December 2024 read with

order dated 18th August 2025 and 9th May 2024.

8. The licensees of the subject property shall upon receipt of the communication from the Court Receiver, deposit the said amounts with the Prothonotary and Senior Master of this Court within a period one week from the date of receipt of such communication.
9. Considering that substantial arguments have been made in this matter, all parties who are present in Court today jointly make a request that this matter be treated as Part Heard. Accordingly, this matter is treated as Part Heard.
10. The aforesaid order is without prejudice to the rights and contentions of all the parties in all the pending Interim Applications.
11. Time for filing the reply to the Court Receiver's Report is hereby extended. Such reply shall be filed and served, on or before 5th June 2026.
12. The Affidavit-in-Reply of Defendant no. 1 dated 6th May 2026 in Interim Application no. 510 of 2026 is taken on record.

INTERIM APPLICATION NO. 5154 OF 2025

13. Mr. Zal Andhyarujina, learned Senior Counsel who appears on behalf of the Applicant submits that this matter will be required to be heard

considering the reliefs that are sought therein.

14. Considering this, list the matter for further consideration on **10th June 2026**.

(FARHAN P. DUBASH, J.)

Ajay Jadhav