

**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 Limited .. Applicant

Versus

Sabina Lakdawala W/O Late

Shri Yusuf M. Lakdawala And 10 Ors .. Respondents

WITH

INTERIM APPLICATION NO. 5043 OF 2025

IN

SUIT NO. 491 OF 2023

WITH

INTERIM APPLICATION NO. 4053 OF 2025

IN

SUIT NO. 491 OF 2023

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

WITH

INTERIM APPLICATION (L) NO. 16810 OF 2025

IN

SUIT NO. 491 OF 2023

WITH

INTERIM APPLICATION NO. 7947 OF 2025

WITH
INTERIM APPLICATION 5317 OF 2025
IN
SUIT NO. 491 OF 2023
WITH
INTERIM APPLICATION NO. 4858 OF 2025
WITH
INTERIM APPLICATION NO. 4041 OF 2025
IN
SUIT NO. 491 OF 2023
WITH
INTERIM APPLICATION NO. 4857 OF 2025
WITH
CONTEMPT PETITION (L) NO. 12899 OF 2025
IN
INTERIM APPLICATION NO. 4857 OF 2025

Mr. Rubin Vakil a/w Mr. Manish Doshi and Ms. Heena Thalesar, Ms. Anjali Ajmera i/b Vimadalal & Co. for the Applicant in IA/5154/2025.

Mr. Mathews Nedumpara (thr. VC) a/w Mr. Dayanand and Ms. Hemali Kurne i/b Nedumpara & Nedumpara for the Plaintiff.

Mr. Shanay Shah (through VC) a/w Mr. Mustafa Bohra, Mr. Nikhilesh Koundinya, Ms. Shruti Mehta and Ms. Divya Raut i/b M/s. Solomon & Co. for Defendant Nos. 1, 2, 5, 6, 7.

Mr. Malcolm Singanporia i/b Mr. Dhruv B Jain for Applicant in IA/5317/2025.

Adv. Dhvani Desai for Defendant No. 4.

Mr. Malcolm Singanporia i/b Mr. Dhruv B. Jain for Applicant in IA/7947/2025.

Ms. Nandini Deshpande, 1st Assistant to Court Receiver a/w V. N. Worlikar SO Office of Court Receiver-Present.

CORAM : FARHAN P. DUBASH, J.

DATE : 2nd FEBRUARY 2026

P.C.:

Interim Application No. 5317 of 2025

1. Despite repeated orders in the past including *inter alia* orders dated 18th August 2025, 1st December 2025 and 12th January 2026, Defendant Nos. 3 and 4 have till date not put in their Affidavit-in-Reply to Interim Application No. 5317 of 2025. Today, Ms. Dhvani Desai, learned Counsel who appears on behalf of the Defendant No. 4 and states that her client needs some more time to file the reply since she does not have all the papers in the matter.

2. Considering the past orders and repeated non-compliance by the said Defendants, Defendant Nos. 3 and 4 are permitted, as and by way of last chance to file and serve their reply which shall be done no later than 16th February 2026. However, this will be subject to the said Defendant Nos. 3 and 4 making payment of costs quantified at Rs. 20,000/- payable to the Applicants, on or before 12th February 2026.

3. Mr.. Mathews Nedumpara, learned Counsel appears on behalf of the Plaintiff. He submits that pursuant to the last order dated 12th January 2026, the Plaintiff has filed her reply. However, due to inadvertence, the same remained to be served on the Applicants. He submits that he shall serve

the same on the Applicants, on or before 4th February 2026. The statement is accepted. Rejoinder, if any, shall be filed and served, on or before 23rd February 2026.

4. Stand over to 4th March 2026 for further consideration.

Interim Application No. 5154 of 2025

5. As and by way of last chance, all the party Respondents to this Interim Application shall file and serve a copy of their respective replies on the Applicant, on or before 16th February 2026. Rejoinder, if any, shall be filed and served, on or before 23rd February 2026.

6. Stand over to 4th March 2026.

Interim Application No. 7947 of 2025

7. The present Interim Application has been preferred by the Applicant seeking to restore Interim Application (L) No. 16810 of 2025 which came to be rejected/dismissed pursuant to an order dated 13th November 2025 passed by Prothonotary and Senior Master of this Court, on account of non-removal of office objections within the prescribed timelines.

8. For the reasons set out therein, this Court is satisfied that the restoration should be permitted and the reliefs sought in Interim Application No. 7947 of 2025 should be allowed. Accordingly, the following order is passed:

::ORDER::

- (i) Order dated 13th November 2025 passed by the Prothonotary and Senior Master of this Court is quashed and set aside.
- (ii) Interim Application (L) No. 16810 of 2025 is restored to the file of this Court.
- (iii) Interim Application No. 7947 of 2025 is disposed of in terms of the above order. There shall be no order as to costs.

Interim Application (L) No. 16810 of 2025

9. Mr. Singanporia, learned Counsel who appears on behalf of the Applicant is directed to serve Interim Application (L) No. 16810 of 2025 on all the parties and file an Affidavit-of-Service to that effect which shall be done, on or before 16th February 2026. Prior thereto, office objections, if any, shall be removed by the Applicant, on or before 9th February 2026. If any party is desirous of filing its reply to the Interim Application, let such reply be filed and served, on or before 23rd February 2026. Rejoinder, if any, shall be filed and served, on or before 27th February 2026.

10. Stand over to 4th March 2026.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil