

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 651 OF 2025
WITH
INTERIM APPLICATION NO. 13577 OF 2025
IN
APPEAL FROM ORDER NO. 651 OF 2025**

Rajesh Singh & Anr. .. Appellants
Versus
Kesley Building No.2, Co-operative Housing
Society & Anr. .. Respondents

**WITH
APPEAL FROM ORDER NO. 652 OF 2025
WITH
INTERIM APPLICATION NO. 13578 OF 2025
IN
APPEAL FROM ORDER NO. 652 OF 2025**

Rajesh Singh & Anr. .. Appellants
Versus
Kesley Building No.2, Co-operative Housing
Society & Anr. .. Respondents

**WITH
APPEAL FROM ORDER NO. 653 OF 2025
WITH
INTERIM APPLICATION NO. 13580 OF 2025
IN
APPEAL FROM ORDER NO. 653 OF 2025**

Shivam Rajesh Singh .. Appellants
Versus
Kesley Building No.2, Co-operative Housing
Society & Anr. .. Respondents

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- Mr. Vishwajeet Kapse a/w Mr. Iftekhar Sayed, Mr. Rahul Singh, Mr. Ranjan Mishra, Mr. Saurav Singh, Mr. Hitesh Jain & Mr. Kamal Mishra, Advocates for Appellants.

- Mr. Rajesh B. Parab, Advocate for Respondent No.1.
- Mr. Abhijeet Mahadik, Secretary of Respondent No. 1 - Society present

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2026

P.C.:

1. Heard Mr. Kapse, learned Advocate for Appellants and Mr. Parab, learned Advocate for Respondent No. 1 - Society.
2. Mr. Singh, learned Advocate practicing at the Bar is represented by Mr. Kapse. He agrees to carry out the measurement of all 60 flats in the Society through a neutral Architect and whatever be the measurement of the neutral Architect will be submitted to the Society for the purpose of ascertaining the precise area of the flats belonging to the members. All members of the Society shall cooperate for the purpose of measurement which shall be done by the Architect appointed by this Court with advance notice to them.
3. This order is passed primarily because there is a discrepancy in the area which was measured previously when the first tender was issued in 2014 and present redevelopment process undertaken by Society in 2022. I am making an earnest request to both the litigants who are practicing Advocates at the Bar - Mr. Mahadik who is the current Secretary of the Society whereas Mr. Singh who is the erstwhile Secretary of the Society. Both are highly respected members

of the Bar and have appeared before me in various matters. I request both the learned Advocates / litigants that they should act in order to ensure that redevelopment of the Society takes place by following the due process of law.

4. Mr. Singh agrees to pay for the costs of measurement and survey of all 60 flats to ascertain the correct area of each of the flats. Measurement of built up area and carpet area will be shown separately in accordance with law by the Architect. Needless to state that before measurement process is undertaken, if Architect calls upon the Society to provide the sanctioned plan, same shall be provided to the Architect so that he can undertake the measurement process in a much better way.

5. In view of the above, Mr. Amol Shetgiri of M/s. Shetgiri & Associates (Cell No. 9821138367) is appointed as an independent Architect to visit the subject Society and carry out the aforesaid measurement and survey of all 60 flats of the members of the Society and place the same in a report to be submitted to the Court. All Society members are directed to cooperate for the purpose of measurement. All latest technology will be employed by the concerned Architect to ensure that there is not discrepancy in the area. This is so because in 2014, physical measurement was carried out whereas in 2022 measurement was carried out by using a laser gun to

ascertain the distances, therefore discrepancy has arisen and the dispute has been raised by Mr. Singh. Be that as it may, all members of the Society shall cooperate with the Architect.

6. In respect of those flats which are vacant and locked, concerned members are directed by this Court to arrange for the keys during the time of measurement so that there can be no impediment to the Architect for carrying out the measurement. Members of Society, Managing Committee Members or their representatives are permitted to remain present for the purpose of taking measurement. Needless to state that no argument will be done with the Architect concerned and the Architect will be allowed to complete his work as directed.

7. Needless to state that costs of the Architect shall be borne by Mr. Singh because this order is passed at his behest.

8. Let this exercise of measurement and survey and report be completed within a period of four weeks from today. Copy of the report shall be given to both the parties by the Architect.

9. Let the report of the Architect be submitted to this Court within a period of four weeks from today.

10. Parties shall approach Mr. Shetgiri immediately with a server copy of this order once it is uploaded.

11. Stand over to **7th May, 2026** under the caption "**for Directions**".

[**MILIND N. JADHAV, J.]**