

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

**FIRST APPEAL NO.1061 OF 2014**

Rekha Gurudas Waravdekar  
(deleted since deceased)  
Shashant Anand Kamat

....Appellant

V/s.

Malini Balaji Kamath, nee Malini A. Waravdekar  
(deleted since deceased)  
1(a) Anuja Hemant Karnik W/o. Hemant Karnik  
Nee Anuja Balaji Kamat, a legal heir of deceased  
Malini Balaji Kamat & Ors.

....Respondents

**WITH  
INTERIM APPLICATION (ST.) NO.35613 OF 2024  
IN  
FIRST APPEAL NO.1061 OF 2014**

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Mr. V. K. Nair for the appellant.

Mr. Rajesh Jain a/w Ms. Neha R. Doshi i/by Legal Juris for the applicant in  
IA and for the respondent nos.1(a).

Mr. M. R. Nair for respondent no.1(c).

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**CORAM : JITENDRA JAIN, J.  
DATED : 9 February 2026**

**PC. :**

1. The suit property which consists of a residential flat of approximately 450 sq.ft. at off Turner Road, Bandra (W), is lying vacant since more than 3 years. The electricity connection is also disconnected.
2. In Civil Application No. 2951 of 2014, an order of 5<sup>th</sup> July 2022 was passed confirming the sale by private treaty but however, the said sale failed and could not go through.
3. Today, the learned advocates for the appellant and respondent

nos.1(a) and 1(c) states that they have no objection if the flat is sold on 'as is where is basis' by public auction and the proceeds can be deposited in this Court.

4. In view of above, the Court feels that in the interest of all the parties, the suit property be sold and the sale proceeds be deposited in this Court which can be invested in Fixed Deposit till disposal of the appeal.

5. In view of above, following order is passed :-

(i) The Commissioner for taking accounts who is already seized of the present suit property is directed to sell the suit property by public auction on 'as is where is basis.'

(ii) In the public notice, it should be specifically stated that the sale is under the orders of the Court and the title of the buyer will not be affected in any manner whatsoever, on account of the present appeal.

(iii) The Commissioner for taking accounts to intimate in the notice the outstanding dues of the society and any other dues and also that the electricity is disconnected.

(iv) The public notice to be sent to the society in which the flat is situated so that any person in the society can also participate in the auction process. The auction process should be in the office of the Commissioner for taking accounts wherein the parties can bid for the said flat. Requirement of obtaining valuation report is dispensed with.

(v) The parties to the present proceedings will also be permitted to participate in the public auction, if they so desire.

(vi) The reserved price of the flat should be fixed at Rs.2 crores. If there are no buyers at this price, then the reserved price can be

reduced to Rs.1.75 crores.

(vii) The Commissioner for taking accounts is requested to complete the auction process within 3 months from today.

(viii) The expenses of the sale are to be borne by the appellant, respondent nos.1(a), 1(b) and 1(c) equally. If any of the parties does not pay, then they will forfeit their rights to claim any share in the sale proceeds.

(ix) The copy of this order and all the correspondences should also be intimated by the Commissioner to respondent no.1(b) who is not appearing, though served.

(x) The advocates for the appellant and for respondent nos.1(a) & 1(c) are also requested to serve copies of this order and all future proceedings to respondent no.1(b) so that respondent no.1(b) cannot take a stand that they were not aware of about these proceedings.

6. List this appeal on 4 May 2026 to apprise the Court about the progress.

**(JITENDRA JAIN, J.)**