

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

**INTERIM APPLICATION NO. 706 OF 2026
IN
COMMERCIAL EXECUTION APPLICATION (L) NO. 2506 OF 2026**

**Goregaon Ambika Cooperative
Housing Society Limited**

... Applicant

V/s.

Sahjanand Developers & Anr.

... Respondents

Mr. Karl Tamboly, Mr. Shrey Fattekrpekar, Mr. Ameet Mehta, Mr. Nirav Marjadi, Ms. Srushti Mehta, Ms. Rebha Dogra, Mr. Kushal Harnesha i/n. M/s. Solicis Lex, Advocate for the Applicant.

Ms. Minhika Joshi a/w. Dewani Associates, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 1st April, 2026

PC. :

1. When the matter is called out, Mr. Tamboly, learned Counsel appears for the Applicant-Society and submits that the consent terms dated 24th July, 2023, which were taken on record by order dated 24th July, 2023, have been breached and therefore, these execution proceedings.

2. Mr. Tamboly submits that the transit rent has been due since over 7 months. It is submitted that although the Respondent No. 1 has been served none appears for the said Respondent.

3. Ms. Joshi, learned Counsel for the Respondent No. 2 and submits under the consent terms the Respondent No. 1 is liable to make payments to the members of the Applicant-Society.
4. Mr. Tamboly submits that in view of the aforesaid, this Court may grant reliefs in terms of prayer Clauses (a) and (b) of the Application.
5. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the reliefs in terms of prayer Clauses (a) and (b) be granted, which read thus:

“(a) That pending the final hearing and disposal of the Execution Application, this Hon’ble Court be pleased to pass Order of injunction thereby restraining the Respondent No.1 and its representative, agents, servants, assignees or any person claiming thereunder from selling, transferring, alienating, encumbering and/or creating third party rights in respect of disclosed and undisclosed, movable and immovable, tangible and intangible properties.

(b) That pending the final hearing and disposal of the Execution Application, it is just necessary and in the interest of justice that this Hon’ble Court be pleased to direct the Respondent No.1 to disclose on oath, by way of an affidavit under Order XXI Rule 41 of the Code of Civil Procedure, 1908.

(i) Full and detailed particulars of all assets, movable, immovable, tangible and intangible, bank account statements, investment details.

(ii) To disclose complete particulars of the Companies or firms in which Respondent No. 1 is shareholder, director or partner, the extent of his share or shareholding therein, the assets movable (including

receivables) as well as immovable held by such Companies or firms.

(iii) To disclose Income Tax Returns filed including firm and companies in which he is a partner or shareholder from the year 2005 till date and also the bank statements from the year 2005 till date.

(iv) To disclose Profit and Loss Account, the Balance Sheet, the Trial Balance and the entire Ledger with detailed narration from the year 2005 till date of Judgment Debtor No. 1.

(v) To disclose complete particulars of various projects being carried on by the Respondent No. 1 either individually or in joint venture or as a proprietor, the total area proposed in the projects, the flats constructed and to be constructed, the sales, if any effected by them, the date of the Agreement, the copies of the Agreements, the amount received and the amount receivable along with the details of all unsold flats/units.”

6. Let affidavit of disclosures, on oath, in terms of prayer Clauses (a) and (b) be made within a period of four weeks by the Respondent No.1.
7. Let copy of this order also be served upon the Respondent No. 1 and an appropriate affidavit of service be filed.
8. List on **6th May, 2026**.
9. Let objections to the Commercial Execution Application be removed and registered number be obtained within a period of three weeks.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2026.04.01
18:22:49
+0530