

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 1973 OF 2025
IN
COMMERCIAL SUIT NO.769 OF 2017

S S Developers

...Applicant

Versus

Kapila Infrastructure Ltd

...Respondent

Mr. Sumeet Tirthani a/w Mr. Parth Parikh i/b Mr. Dhiren Shah for Plaintiff.

Mr. Subhash Sha a/w Mr. Sumeet Upadhyay i/b Law Global for Defendant Nos.1 to 3.

Mr. Vayukumar Tiwari i/b Mr. Divakar Rai for Defendant No.6 and for Applicant in IA/1181/2025.

Ms Nehaa Shah for Defendant No.4.

Mr. Agnel Carneiro a/w Mr. Tushar Cooper i/b Mulla & Mulla & CB & C for Defendant Nos.15, 16 and proposed Defendant No.20.

CORAM : ARIF S. DOCTOR, J.

DATE : 7th JANUARY 2026

P.C.

1 The matter was kept back at 3.00 pm to enable the learned counsel for the parties to take instructions as to whether their respective clients were agreeable to submit their disputes and differences to mediation.

AT 3.00 p.m.

2 I was informed that the Plaintiff, Defendant Nos.1 to 3 and Defendant No.4 as also Defendant Nos.6 and Defendant Nos.15 and 16 were agreeable for

the disputes and differences in the Suit be submitted to mediation in an attempt to find resolution.

3 On a query from the Court as to whether the presence of other Defendants would be necessary for effective mediation, I was informed that they would not be so, since all right, title and interest of Defendant Nos.8 to 10 in the suit property has been acquired by the proposed Respondent No.20 in Interim Application No.1130 of 2025 of which, LLP Defendant Nos.15 and 16 to the Suit are parties.

4 Hence, I appoint Mr. Sarosh Bharucha as Mediator in respect of the disputes and differences between the parties. Details of Mr. Sarosh Bharucha are as under:

Name: Mr. Sarosh Bharucha

Address:- 2nd floor, Brady House, Horniman
Circle, Mumbai 400 001.

Email:- sbharucha@gmail.com

Mobile No.:- 9821034806

5 On a copy of this order being uploaded both the Counsel shall jointly approach Learned Mediator Mr. Sarosh Bharucha and fix a schedule for mediation. The costs, charges and expenses of mediation shall be shared equally by the parties.

6 Stand over to 28th January 2026.

[ARIF S. DOCTOR, J.]