

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

SUIT NO. 1437 OF 2012

MUKESH R. GOKAL & OTHERS)... PLAINTIFFS

V/S.

AMAL INVESTMENTS PVT. LTD. AND OTHERS)... DEFENDANTS

WITH
NOTICE OF MOTION NO. 1518 OF 2012
IN
SUIT NO. 1437 OF 2012
WITH
INTERIM APPLICATION NO. 254 OF 2022
IN
SUIT NO. 21 OF 2022
WITH
SUIT NO. 20 OF 2022
WITH
INTERIM APPLICATION NO. 298 OF 2022
IN
SUIT NO. 20 OF 2022
WITH
SUIT NO. 22 OF 2022
WITH
INTERIM APPLICATION NO. 290 OF 2022
IN
SUIT NO. 22 OF 2022
WITH
SUIT NO. 19 OF 2022
WITH
INTERIM APPLICATION NO. 297 OF 2022
IN
SUIT NO. 19 OF 2022
WITH
SUIT NO. 28 OF 2022
WITH
INTERIM APPLICATION NO. 409 OF 2022
IN
SUIT NO. 28 OF 2022

WITH
SUIT NO. 396 OF 2014
WITH
COUNTER CLAIM NO. 11 OF 2015
IN
SUIT NO. 396 OF 2014
WITH
NOTICE OF MOTION NO. 1302 OF 2014
IN
SUIT NO. 396 OF 2014
WITH
SUIT NO. 498 OF 2013
WITH
NOTICE OF MOTION NO. 1321 OF 2013
IN
SUIT NO. 498 OF 2013
WITH
SUIT NO. 850 OF 2013
WITH
NOTICE OF MOTION NO. 1613 OF 2013
IN
SUIT NO. 850 OF 2013
WITH
SUIT NO. 849 OF 2013
WITH
NOTICE OF MOTION NO. 1614 OF 2013
IN
SUIT NO. 849 OF 2013
WITH
INTERIM APPLICATION NO. 2843 OF 2023
IN
SUIT NO. 849 OF 2013
WITH
INTERIM APPLICATION NO. 8132 OF 2025
IN
SUIT NO. 849 OF 2013
WITH
SUIT NO. 35 OF 2014
WITH

**NOTICE OF MOTION NO. 143 OF 2014
IN
SUIT NO. 35 OF 2014
WITH
SUIT NO. 28 OF 2014
WITH
NOTICE OF MOTION NO. 208 OF 2014
IN
SUIT NO. 28 OF 2014**

Ms.Shruti Sardessai a/w. Mr.Aurup Dasgupta, Ms.Drshika Hemnani and Ms.Prapti Bhadra i/by Jhangiani Narula and Associates, Advocate for the Applicants in IA/8132/2025 and for the Plaintiff in S/1437/2012.

Mr.Yash Arora i/by Bharucha & Partners, Advocate for the Defendants no.14 and 15 in S/19/2022, S/20/2022, S/21/2022, S/22/2022 and S/28/2022, for the Defendants no.10(A) and 10(B) in S/498/2013, for Defendants no.14(A) and 14(B) in S/849/2013 and S/850/2013.

Mr.Akshay Doctor a/w. Mr.Umesh Keni i/by Mr.Rajesh Talekar, Advocate for the Defendants no.8 and 10 in S/849/2013.

Ms.Shweta Singh a/w. Ms.Kajal Gupta i/by M.VKini & Co., Advocate for the Defendant no.16.

Dr.Sanjay Jain a/w. Ms.Astha Tahmankar, Mr.Sameer Chitnis and Mr.Omkar Dandekar i/by M/s.Chitnis & Co., Advocate for the Defendants no.1, 2, 4A, 4B, 4C and 5 in S/1437/2012, for the Plaintiff in S/19/2022, S/20/2022, S/21/2022, S/22/2022 and S/28/2022, for the Defendants no.4 and 5 in CC/11/2015, for the Defendants no.1A, 1B, 1C and 2 in S/3962014, for the Plaintiff in S/498/2013, S/850/2013, for the Applicant in IAL/40669/2025 in S/849/2013 and for the Defendants no.1,2,3,4,5A, 5B and 5C in S/35/2014 and for the Defendants no.1A, 1B, 1C, 2, 3, 4and 5 in S/28/2014.

Ms.Khushboo Rupani a/w. V. Khandelwal i/by HSA Advocates, Advocate for the Defendant no.16 in IA/254/2022, IA/298/2022, IA/290/2022, IA/297/2022 and IA/409/2022.

CORAM : ABHAY AHUJA, J.

DATE : 24th MARCH 2026

PC. :

INTERIM APPLICATION NO. 8132 OF 2025

1. After this Court has been taken through Exhibits G and H of the Interim Application, which clearly indicate the dangerous condition of the ground floor bathroom and toilet block in Mercantile House, this Court is constrained to direct that the repair work be carried out by the contractor appointed pursuant to the consent minutes of order dated 10th December 2015 no later than 30th April 2026.

2. Mr.Dasgupta, learned Counsel appearing for the Applicants, submits, without prejudice to the rights and contentions of the Applicants to receive reimbursement from the Respondents, that the Applicants will bear the costs of such repairs.

3. Dr.Jain, learned Counsel appearing for the Plaintiff and Mr.Doctor appearing for the Defendants no.8 and 10 in the Suit have

no objection and submit that their clients will co-operate with the contractor, provided there is no damage to the first floor which their clients are occupying.

4. List on **30th April 2026**.
5. Registry to accept replies of the Defendants no.8 and 10. Let rejoinders, if any, be filed by the next date with a copy to the other side.
6. List the Suits also for framing of issues on the next date.
7. Let the parties endeavour to come up with common draft issues.

(ABHAY AHUJA, J.)