

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 13979 OF 2025
IN
EXECUTION APPLICATION NO. 1741 OF 2022
IN
SUIT NO. 47 OF 2017

Sunil Shantilal Gosar (Since Deceased) & Anr ...Applicants

Versus

Yash Builders & Anr ...Respondents

Mr. Malcolm Siganporia, i/b Jayesh R. Vyas, for the Applicants.

Ms. Priyanka Fadia, i/b Shashank Fadia, for Respondent No.6 (through VC).

Ms. Vaishali Ugale, i/b Komal Punjabi, for Respondent Nos.1 to 4.

Mr. Ajay Bhise, a/w Deepali Kedar, Judgment Debtors.

Mrs. P.P. Sarang, Section Officer, Court Receiver Officer.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MAY 30, 2025

(VACATION COURT)

PC :

1. By an order dated May 28, 2025 the Judgment Debtor, namely, M/s. Yash Builders and Mr. Paras Dedhia were directed to pay a sum of approximately Rs.5 Lakhs which was payable to the Municipal

Corporation of Greater Mumbai (“**MCGM**”) to restore water connection to the Applicants.

2. Learned Counsel for the MCGM submits that she has specific instructions that should the entire amount be paid, the water connection would be restored.

3. Learned Counsel for M/s. Yash Builders and Paras Dedhia submits that he has only paid Rs.1,50,000/- but has procured restoration of water connection and therefore that should suffice. We are unable to accept such a position merely because water connection has been restored. If the restoration has somehow been achieved without complying with the requirements of law, the Court cannot take cognizance of the same and excuse compliance with the law committed to the Court.

4. Purely as a last chance, the time to pay the residual amount towards the water charges (which is a small amount of less than Rs. 5 lakh) is extended ***until June 2, 2025***. Should such amount not be paid and restoration not be legitimately complied with by that date, the Court would be left with no option but to take charge of the luxury car owned

and used by Mr. Paras Dedhia since the amount involved is such a minuscule amount.

5. This would be quite apart from any action for contempt for non-compliance with an explicit direction that too based on commitment made to Court upon instructions, on the last occasion.

6. List for reporting compliance before the Vacation Court on ***June 3, 2025***.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]