

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

**INTERIM APPLICATION NO. 8022 OF 2025**

**IN**

**SUIT NO. 1815 OF 1998**

**Adani Exports Limited**

**...Applicant**

**V/s.**

**Kamlaben Mansukhlal Desai**

**...Respondent**

**WITH**

**CHAMBER SUMMONS NO. 870 OF 2008**

**IN**

**NOTICE OF MOTION NO. 1706 OF 1998**

Mr. Vyom Shah with Ms. Shaheen Moghul i/b Divya Shah Associates for the Applicant/Plaintiff.

Mr. Sharath Pai for the Defendant No.5-Society.

Mrs. Nandini Deshpande, 1<sup>st</sup> Assistant to the Court Receiver.

**CORAM : ABHAY AHUJA, J.**  
**DATE : 23<sup>rd</sup> DECEMBER, 2025**

**P.C. :**

1. When the matter is called out, Mr. Shah, learned Counsel appears for the Applicant and submits that in view of the order of the Appeal Court dated 5<sup>th</sup> December, 2001, permitting the sale by private treaty, this Application has been filed seeking permission of this Court to pass an order directing the Court Receiver, who is the custodian of the flat to cooperate and facilitate sale of the suit flat No. A-7 in favour of the Respondents No. 2 and 3 on as is where is basis and on payment of Rs. 1,51,00,000/-plus 50% of the Defendant No.5-Society's outstanding dues and for signing, execution and registration of the

agreement of sale with the Respondents No. 1 to 3 and to pay the sale consideration received therefrom to the Applicant/Plaintiff towards part satisfaction of the amounts due and payable to the Plaintiff in view of the consent terms dated 5<sup>th</sup> December, 2001, in addition to directions to the Society in terms of the prayer Clause (b) and other consequential directions.

2. Mr. Pai, learned Counsel appears for the Defendant No. 5-Society and tenders across the bar three statements with respect to the flats no. A-7, A-8 and A-9, submitting that this Court may permit the Application subject to payment of the outstanding society dues.

3. Representative of the Court Receiver's office appears and submits that there are also outstanding income tax and customs dues, which have already been pointed out to the Applicant in the meeting that was held on 29<sup>th</sup> October, 2025 and that the next meeting is now on 14<sup>th</sup> January, 2026 at 4.30 p.m.

4. Mr. Shah, learned Counsel for the Applicant seeks some time to consider the same, however, submitting that the flat under consideration is A-7 and the outstandings of flats no. A-8 and A-9 cannot be loaded on to this transaction just because the purchaser is the same.

5. Be that as it may, list on **19<sup>th</sup> January, 2026**.
6. Let instructions on the aforesaid be taken by the Applicant. Let reply, if any, to the Interim Application be filed within a period of two weeks with copy to the others. Rejoinder in one weeks thereafter with copy to the others.

**(ABHAY AHUJA, J.)**