

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

SUIT (L) NO. 14207 OF 2022

Sabina Lakdawala

.. Plaintiff

Versus

Feroz Lakdawala & Ors.

.. Respondents

WITH

INTERIM APPLICATION (L) NO. 14578 OF 2022

INTERIM APPLICATION (L) NO. 33987 OF 2022

INTERIM APPLICATION (L) NO. 2422 OF 2023

.....

- Mr. M.J. Nedumpara a/w Ms. Hemali Kurne for Plaintiff
- Mr. Kaustubh Gupte a/w Mr. Aditya Talpade, Mr. Pratik Karande and Ms. Poonam Ashar for Defendant Nos., 1, 2, 4 to 7
- Mr. Mutabbar Khan i/by Mohamed Rehan S. Chhapre for Defendant No. 3

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 30, 2023

P.C.:

1. Heard Mr. Nedumpara, learned Advocate for Plaintiff; Mr. Gupte, learned Advocate for Defendant Nos. 1, 2, 4 to 7 and Mr. Khan, learned Advocate for Defendant No. 3.

2. Mr. Gupte, at the outset, would submit that he has seen the order dated 23.03.2023. He would however inform the Court that though he has taken instructions, he needs time to file a proper disclosure affidavit of the properties viz. Immovable and movable properties alongwith supporting documents which are in control of

Defendant No. 1 though an Affidavit of disclosure has been filed earlier. This Court is mindful of the fact that Defendant No. 1 has not complied with the order dated 23.03.2023 and has brought it to the notice of Mr. Gupte.

3. At the profused request of Mr. Gupte, Defendant No. 1 is given time to file disclosure and specifically directed to disclose on affidavit all such properties known / unknown, immovables and movables belonging to the estate of deceased Mr. Yusuf Lakdawala which are in control of Defendant No. 1 as on date along with all such relevant supporting documents, *inter alia*, receipt of proceeds from such properties by Defendant No. 1 from the date of death of the deceased till today. In furtherance, it is directed that Defendant No.1, who is in control of the properties which shall be disclosed by him and belonging to the estate of the deceased is specifically restrained and enjoined from dealing with any of the said properties in any manner whatsoever without the leave of this Court. That apart, Defendant No. 1 is also directed to place on record the objective valuation of the disclosed properties under his control.

4. Admittedly, there are four co-sharers of all properties belonging to the deceased. Their shares are however in dispute. Once the disclosure is made, this Court shall hear the parties on the issue of their respective shares / entitlement of shre under the Mohammedan

Law.

5. At the request of Mr. Gupte, Defendant No. 1 is directed to file the detailed affidavit of disclosure along with all supporting documents within a period of two weeks from today. Copy of disclosure affidavit shall be given to the learned Advocates appearing for the other parties by 12.04.2023.

6. Stand over to **13th April, 2023 at 2:30 p.m.**

[MILIND N. JADHAV, J.]

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by RAVINDRA
MOHAN
AMBERKAR
Date:
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