

S.S.Kilaje

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

INTERIM APPLICATION (L) NO. 14578 OF 2022
IN
SUIT (L) NO. 14207 OF 2022
WITH
INTERIM APPLICATION (L) NO. 33987 OF 2022

Sabina Lakdawala Applicant
.. (Orig. Plaintiff)
Versus
Feroz Lakdawala and Ors. .. Defendants

WITH
INTERIM APPLICATION (L) NO. 2422 OF 2023
IN
SUIT (L) NO. 14207 OF 2022

Sana Achwa .. Applicant
IN THE MATTER BETWEEN
Sabina Lakdawala .. Plaintiff
Versus
Feroz Lakdawala and Ors. .. Defendants

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- Mr. M. J. Nedumpara a/w. Ms. Hemali Kurne i/by Nedumpara & Nedumpara for the Plaintiff/Applicant.
 - Mr. Mutahhar Khan i/by Rehan Chhapra for Defendant No.3
 - Mr. Kaustubh Gupte a/w. Mr. Aditya Talpade, Mr. Pratik Karande and Ms. Poonam Ashar for Defendant Nos. 1, 2, 4 to 7
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 13, 2023.

P.C.:

- 1.** Heard Mr. Nedumpara, learned Advocate for the Applicant / Plaintiff; Mr. Khan, learned Advocate for Defendant Nos.3 and Mr. Gupte, learned Advocate for Defendant Nos. 1, 2, 4 to 7.

2. The order passed on 23.03.2023 stands complied with partially. Without going into the details of affidavit of disclosure, after hearing Mr. Nedumpara and Mr. Khan, learned Advocates, it clearly transpires that the supporting documents under which the disclosure has been made of the receivables / rent received by Respondent No.1 are not furnished. The reason for furnishing the supporting documents would show the amount of security deposit received by Respondent No. 1 as also the details rentals, rent, escalation, etc. of the properties which are given on leave and license and controlled by Defendant No.1. All such supporting documents have to be placed on record by Defendant No.1 to enable the parties to arrive at a consensus on the details of receivables.

3. The details of any further properties to the knowledge of Plaintiff and the remaining Defendants which have not been disclosed by Defendant No.1 may be placed on affidavit by them.

4. Defendant No.1 is directed to file a complete and proper disclosure as directed by the order dated 23.03.2023 on or before 24.04.2023. All such necessary supporting documents shall be filed by Defendant No.1 without suppression of any document. Though Mr. Nedumpara and Mr. Khan have both jointly pressed the Court for appointment of valuer and appointment of Court Receiver to have an objective valuation of the properties controlled by Defendant No.1 as

on date, considering the incomplete disclosure made by Defendant No.1 and the opportunity given to him to file all such relevant supporting documents, I am making it clear that in the event if Defendant No.1 does not give all such necessary details as directed by this Court, the prayer for appointment of valuer and the Court Receiver shall be considered by this Court on the next date.

5. At the same time, Plaintiff and the remaining Defendants are also directed to file their affidavit of objections / rejoinder and place on record the details required by them in respect of properties controlled by Defendant No.1 and which have not been disclosed in the affidavit of disclosure. The rejoinder affidavit of Plaintiff and remaining Defendants shall also be filed on or before 24.04.2023. All parties are directed to exchange their respective affidavits so as to enable this Court to pass appropriate and further directions / order on the next adjourned date.

6. Stand over to **26th April, 2023 at 2:30 p.m.**