

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO.14207 OF 2022
WITH
INTERIM APPLICATION (L) NO.14578 OF 2022
AND
INTERIM APPLICATION (L) NO.33987 OF 2022
AND
INTERIM APPLICATION (L) NO.2422 OF 2023
IN
SUIT (L) NO.14207 OF 2022

Sabina Lakdawala	]	..	Plaintiff
vs.			
Feroz Lakdawala & 8 ors.	]	..	Defendants

Mr.Mathews J. Nedumpara a/w Hemali Kurne for the Plaintiff.

Mr.Prateek Pai a/w Aditya Talpade and Pratik Karande for Defendant Nos.1, 2 and 4 to 7.

Mr.Mutahhar Khan i/b Mohamed Rehan Chhapra for Defendant No.3.

CORAM : BHARATI DANGRE, J

DATE : 8th June, 2023.

P.C.

1] By a detailed order passed by this Court on 26.04.2023, the court clearly recorded that despite the three previous orders, Defendant No.1 has not given complete disclosure and the Court referred to the earlier disclosure statements. A specific observation is found in Para 13 when

the Court referred to the attempt of Defendant No.1 to circumvent the orders passed by the Court on earlier occasions.

As a result, it was specifically directed that Defendant No.1 who is in control of various properties belonging to the deceased, shall file statement giving details of the valuation of the subject properties, as the Plaintiff and Defendant No.3 submitted that the valuation of these properties controlled by Defendant No.1 is substantial and running into several hundred crores.

Pursuant to the said order, disclosure Affidavit is filed by Defendant No.1 on 24.05.2023.

2] The learned counsel for Defendant No.1, however, fairly state that according to him, it is not a complete disclosure, which was expected by the court in its order dated 26.04.2023.

As per the learned counsel for the Plaintiff, Mr.Nedumpara and the learned counsel for Defendant No.3, Mr. Khan state that, in fact there is no disclosure at all.

The learned counsel for the Defendant No.1 is conscious of this fact and pray that one opportunity, be afforded to him to file complete disclosure statement, which would meet the spirit of the order dated 26.04.2023.

3] The learned counsel for Defendant No.3 has also specifically submitted that there is certain admitted income, which is received from distinct leave and license Agreements in respect of the properties which are under the control of Defendant No.1 and he has given estimate of the monthly income.

The details of the same are drawn by the learned counsel, and are furnished to the learned counsel for Defendant No.1, who is

expected to deal with this, if at all he want to avoid the order of appointment of Court Receiver.

4] Let the further disclosure Affidavit, which is expected to be truthful, be filed within a period of two weeks.

A copy of such Affidavit shall be served upon the learned counsel for the Plaintiff as well as learned counsel for Defendant No.3.

List the Suit alongwith Interim Applications, so also Interim Application (L) No. 33983/2023, which seek appointment of merchant valuer for valuation of the properties, on 13.07.2023 at 2.30 p.m.

The order restraining Defendant no.1 from dealing with the properties without leave of the Court, shall continue to remain in force till the next date.

[BHARATI DANGRE, J]