

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1324 OF 2022
WITH
INTERIM APPLICATION NO. 5713 OF 2025
IN
COMMERCIAL SUIT NO. 59 OF 2022

Zuber Ahmed Siddiqui & Ors

...Applicants /
Plaintiffs

Versus

Nehrunagar Shivalaya Co-Operative Housing
Society Ltd & Ors

...Defendants

Mr. Saket Mone, a/w Shrey Shah, i/b Vidhii Partners, for the Applicants.

Mr. Sanjiv Sawant, a/w Abhishek Deshmukh, Bhakti Wast, for Defendant No.1.

Mr. Siddharth P. Wakode, a/w Aseem Naphade, for Defendant No.2.

Mr. Mehul Thakker, a/w Vishal K. Jagwani, i/b Vishnu Chavan, for Defendant No.3.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 20, 2026

ORDER :

1. After the matter was heard for some time, Learned Advocate for the parties express that they would not be averse to an external mediator considering the respective positions of the parties to attempt a

resolution. Equities would need to be adjusted on multiple counts in the facts of the case.

2. The Plaintiffs' claim to have registered agreements to acquire flats admeasuring approximately 600 to 700 square feet. Learned Advocates for Defendant No.1, Society would submit that most of these agreements would be in conflict with the sanctioned plans prevailing at the relevant time and the Plaintiffs would be victims just as the Society, of the earlier Developer's non-compliant behavior. The new Developer, Defendant No.2 has proposed an escalation of costs but it is apparent that the plans have also undergone a further change and the flats admeasuring between 600 and 700 square feet would now measure approximately 300 square feet, which is a fundamental grievance on behalf of the Plaintiffs.

3. Learned Advocate for Defendant Nos.1 and 2 jointly submit that this fact was well known since 2021 when the report of a valuer had been prepared pursuant to a direction by a Learned Single Judge on an early occasion.

4. In the aforesaid backdrop, it is clear to me that the parties would be aided by a dispassionate and objective external mediator who

could attempt to resolve the current standoff in the interests of all the parties.

5. In these circumstances the parties are thereby referred to mediation. The mediator is being appointed in the following terms:-

Ms. Alpana Ghone, an Advocate of this Court,
53, Ajaydeep House, 240 Parin Nariman Street,
Fort, Mumbai - 400001
Email Id: alpana@alpanaghone.com

6. Stand over to ***February 17, 2026*** to get an update in the matter. The parties shall present themselves before the mediator hereby appointed no later than ***January 28, 2026*** who shall then issue appropriate directions on how to proceed further in the matter.

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.]