

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

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INTERIM APPLICATION NO. 212 OF 2024  
IN  
SUIT NO. 4913 OF 2000

NADEEM MAJID OOMERBHOY )...APPLICANT

IN THE MATTER BETWEEN

NADEEM MAJID OOMERBHOY )...PLAINTIFF

V/s.

RIYAD RASHID OOMERBHOY AND OTHERS )...RESPONDENTS

Mr.K.G.Munshi, Senior Advocate a/w. Mr.Ganesh Ambekar i/by  
Jariwala Associates, Advocate for the Plaintiff.

Mr.Kalpesh Joshi a/w. Ms.Nisha Shah i/by Kalpesh Joshi Associates,  
Advocate for the Defendant no.1A and 1B.

Mr.Malcolm Siganporia a/w. Mr.Dev Tejnani i/by Mr.Dev Tejnani,  
Advocate for the Defendant no.2.

Mr.Neil Dutta a/w. Mr.Ayan Roy i/by Wadia Ghandy & Co., Advocate  
for the Defendants no.4(b)(i) to 4(b)(iv).

Mr.Swayam Chopda, Officer on Special duty, Court Receiver's Office,  
present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 16<sup>th</sup> SEPTEMBER 2025

**PC. :**

1. Although this Interim Application filed under Order XXXIX Rule  
2A of the Code of Civil Procedure, 1908 ("CPC") seeks a number of

reliefs, what emerges after hearing the learned Senior Counsel for the Applicant and the other Counsel for the Respondents, is the principal grievance that although pursuant to the Consent Terms dated May 2021, the Respondents – members of the Sattar group were to sign documents in the nature of a Release deed, releasing, relinquishing and surrendering in favour of the members of the Majid group viz. the Applicant forever all their undivided share, right, title and interest in the said Nizam street property together with all the tenements situated therein on ‘as is where is and what is’ basis, however, despite drafts having been exchanged, no Release deed has been signed by the members of the Sattar family.

2. Mr.Munshi, learned Senior Counsel appearing for the Applicant, Mr.Kalpesh Joshi, learned Counsel appearing for the Defendants no.1A and 1B, Mr.Malcolm Siganporia, learned Counsel appearing for the Defendant no.2 and Mr.Neil Dutta, learned Counsel, appearing for the Defendants no.4(b)(i) to 4(b)(iv) submit that some time be granted, so that the draft of the Release deed can be finalized.

3. It has also been submitted that the Court Receiver should also be requested for his comments on the same. Mr.Swayam Chopda, learned

Officer on special duty to the Court Receiver, submits that the Court Receiver is not in possession of the said Nizam street property and it would not be necessary to comment on the draft Release deed.

4. List on **9<sup>th</sup> October 2025**.
  
5. Let the Release deed be endeavoured to be finalized by then and if possible, executed and registered.

**(ABHAY AHUJA, J.)**