

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

INTERIM APPLICATION NO. 4100 OF 2025
IN
SUIT NO. 248 OF 2024

Pravin Talreja

...Plaintiff

Versus

Uma Constructions (Through
Its Partner Arrayed Below) & Ors.

...Defendants

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Counsel Hrushi Narvekar *a/w. Saakshi Saboo and Yesha Badani
i/b Trilegal, for Applicant.*

Mr. Nitin Parkhe, *for Defendant No. 2.*

Mr. Akash Menon, *for Defendant Nos. 3 and 4.*

Mr. Deepak Bhalerao, *2nd Assistant to Court Receiver.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 14, 2026

ORDER :

1. By an order dated October 16, 2025, a Learned Single Judge was pleased to direct the Defendants to ensure that by the next date of hearing, they would take steps to make Flat Nos. 901, 902, and 801 (“subject flats”) habitable. In paragraph 2 of the said order, the illustrative problems of why the subject flats are not in a habitable condition was articulated in the order. The Learned Single Judge also stated that the matter would need to go on, without any adjournment,

and even imposed costs in advance in the sum of Rs. 1 lakh, should an adjournment be sought.

2. Therefore, it is evident that the Learned Single Judge had made it an imperative that the subject flats should be converted into habitable condition.

3. Learned advocate for the Defendant Nos. 3 and 4 candidly submits that after October 16, 2025, there has been no access to the subject flats sought by him, since it is the contention of these Defendants that the order itself was premised on wrong information and the subject flats were already habitable. This does not inspire confidence. Since it is his contention that after the Court Receiver was appointed, there has been no access by the Defendants to the subject flats, and symbolic possession had been taken by the Court Receiver on April 19, 2025, evidently, after this interim application was filed on June 24, 2025, there has been no activity on the part of the Defendants in respect of making the subject flats habitable.

4. The only reasonable inference one can draw is that the subject flats continue to be in the condition that they were purported to be in when the Interim Application was filed. This would mean that the direction of the Learned Single Judge, dated October 16, 2025 has not been complied with.

5. Purely to enable the Defendants to purge such non-compliance, the Defendants are directed to approach the Applicant within a week from the upload of this order on the website of this Court, to seek access to the premises so that a joint inspection can be and the Defendants can ensure, or assure, that the subject flats are indeed habitable.

6. The meaning of the term '*habitable*' leaves no room to be sparsed – the flat ought to be in a condition such that one is able to reside therein.

7. The Learned Court Receiver shall depute an appropriate official to accompany the parties for such exercise. Once such inspection is completed, it is expected that the activity to ensure that the subject flats are made habitable will be completed within a period of three weeks from today. Should the contention of Defendant Nos. 3 and 4 that the subject flats have always been habitable be accurate, this would be evident when the parties visit the premises in the presence of the Court Receiver.

8. The Court Receiver shall file a report along with photographs to demonstrate the condition in which the subject flats are found at the time of such visit. The visit shall be conducted ***at 12:00 noon on***

January 22, 2026, when all the parties shall remain present.

9. Stand over to ***February 12, 2026*** to get an update in the matter.

10. It is also pointed out that by the Learned Court Receiver that the Agency Agreement is yet to be executed by the Applicant. The Applicant is given a deadline of one week from the upload of this Order to execute the Agency Agreement. Learned Advocate for the Applicant also undertakes to discharge all dues claimed by the society, bills for which have been received by the Court Receiver.

11. Once the inspection is done, appropriate orders will be considered in the interim application to ensure that the subject flats are made habitable. If necessary, a withdrawal from the amounts deposited in Court would be permitted with credit for the same being given toward the consideration being discharged by the relevant Defendants.

12. 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.]