

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

INTERIM APPLICATION NO. 3039 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO. 9 OF 2021

ANAND
SUDHAKAR
SUDAME

Siyona Realities Pvt. Ltd.

..Applicant

IN THE MATTER BETWEEN

Siyona Realities Pvt. Ltd.

..Applicant

Versus

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Jet Build Developers & ors.

..Respondents

Date:
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WITH
IA 6263 OF 2025
IN
COMEX 9 OF 2021

WITH
IA 6066 OF 2025
IN
COMEX 9 OF 2021

Mr. Suraj S. Ghogare, Advocate, for the Applicant a/w. Mr. Vikrant S. Patil, Representative of the Applicant
Mr. Aditya Kanchan i/b. Lakshyavedhi Legal, for Mr. Rakesh Shah, Mr. Sarju Shah & Mr. Sanjay Shah

CORAM : RAJESH S. PATIL, J.

DATE : 22.01.2026

P C.

1. Mr. Rakesh Rameshchandra Shah, Builder & Developer has stepped into witness box for the purpose of cross-examination under

the provisions of Order XXI, Rule 41 of the Code of Civil Procedure, 1908.

2. Mr. Rakesh Rameshchandra Shah is accordingly administered oath by the Court Associate.

PW. 1:-

Name : Mr. Rakesh Rameshchandra Shah

Occupation : Business, Builder & Developer

Address : 2001, Shree Krishna Residency,
Adukia Road, Kandivali(W).
Mumbai – 400 067.

Oral Examination under Order XXI, Rule 41 of the CPC of Mr. Rakesh Rameshchandra Shah – PW.1 on S.A. :-

The Deed of Retirement dated 07.10.2016 is now shown to the witness

Q.1 Whether you are one of the parties to the Deed of Retirement which has now been shown to you ?

Ans. Yes. I am party to the Deed of Retirement. I have signed the said Deed of retirement and also affixed my thumb impression.

Q.2 Please refer to page No. 10. As per para No. 7, list of the properties have been mentioned. Whether these properties have been given to the retiring partner – Mr. Bharat Maneklal Parekh (Respondent No. 2) ?

Ans. The properties which are mentioned in para 7, out of them, 4

units are residential and the remaining units are commercial.

For commercial units', O. C. has been received and the retiring partner has sold the commercial units to the third parties.

Q.3 Can you tell when part O. C. was received from the SRA ?

Ans. I will have to check from my file to inform the exact date of receipt of part O. C. granted. Now, I have checked my file which is shown to me. Amended plan and part O. C. for commercial units have been received on 05.11.2019.

Q.4 Whether you have applied for the O. C. of balance constructed portion ?

Ans. Yes. We have applied to the SRA for the final O. C..

Q.5 Can you tell tentatively when the final O. C. will be expected ?

Ans. On our part, we have done all the compliances and now, it will be for the SRA to complete all the formalities and handover the final O. C..

Mr. Ghogare, learned Counsel for the Applicant submits that cross-examination of PW.1 is complete.

PW.1 is permitted to step down from the witness box.

Mr. Sarju Shah, Builder & Developer has stepped into witness box for the purpose of cross-examination under Order XXI, Rule 41 of the Code of Civil Procedure, 1908.

Mr. Sarju Shah is accordingly administered oath by the Court Associate.

PW. 2:-

Name : Mr. Sarju Shah

Occupation : Builder & Developer

Address : E/5006, Oberoi Tower, Rajendra Nagar Road,
Borivali(E), Mumbai – 400 066.

Oral Examination under Order XXI, Rule 41 of the CPC of Mr. Rakesh Rameshchandra Shah – PW. 2 on S.A. :-

Q.1 Do you recollect when O. C. was applied ?

Ans. I cannot recollect the date when O. C. was applied.

Q.2 Can you submit a copy of the Application preferred to the SRA ?

Ans. Yes. I can submit a copy of the Application preferred to the SRA
on the next date of hearing.

Q.3 Do you confirm to the answers given by witness No. 1 ?

Ans. Yes. I confirm the answers given by my elder brother – Mr.
Rakesh Shah (PW.1).

Cross-examination is over.

Mr. Ghogare, learned Counsel for the Applicant submits that
cross-examination of PW.2 is complete.

PW.2 is permitted to step down from the witness box.

Since Mr. Sanjay Shah is not present, when his name was called out, though was directed to remain present hence, the matter stands adjourned. Let the matter to come up on **02.02.2026** when oral examination of Mr. Sanjay Shah will be recorded. It is clarified that if on the next date, Mr. Sanjay Shah does not remain present, this Court will issue bailable warrant against him to secure his presence.

(RAJESH S. PATIL, J.)