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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
CONTEMPT PETITION (L) NO. 28949 OF 2025  
IN  
COMMERCIAL SUIT (L) NO. 22134 OF 2023**

Balkrishna Aitappa Miyar ...Petitioner

***Versus***

V Alxmi Estate Developers Private Limited & Ors ...Respondents

**WITH  
INTERIM APPLICATION NO. 5494 OF 2025  
IN  
COMMERCIAL SUIT (L) NO. 22134 OF 2023**

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*Appearance not received for Petitioner.*

**Mr. Shakeeb Shaikh**, a/w Aishwarya Bapat, Rohit Jadhav, i/b Vis  
*Legis Law Practice for the Respondent.*

**Mr. Ritesh Yadav**, a/w Dharmesh Joshi, i/b TDJ & Associates  
*Respondent No.3.*

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**CORAM : SOMASEKHAR SUNDARESAN, J.  
DATE : April 18, 2026**

**ORDER :**

1. In view of an application for modification of the order dated August 18, 2023 being pending before the Learned Single Judge who passed the said order, at this stage, no variation is being made to the same. However, considering that the order is explicit in its terms that a deposit should be made, it is expected that the original Plaintiff must

comply with the directions contained therein on a monthly basis to ensure that all the transit rent and other amounts payable under the Development Agreement are paid as originally scheduled in the Development Agreement with the Prothonotary and Senior Master in accordance with order dated August 18, 2023.

2. Interim Application No.5494 of 2025 which is for restoration of the Suit, which came to be dismissed for non-removal of office objections, is allowed. The Suit stands restored and all the interim arrangements contained therein shall continue with effect from such restoration.

3. It is stated that Defendant No.3 and the Petitioner in the Contempt Petition are also parties to separate proceedings for specific performance of the sale of the flat which was vacated in favour of the Plaintiff for the redevelopment of the same. The parties, namely, the contempt Petitioner and original Defendant No.3 are free to pursue such proceedings as they desire in terms of their respective contentions against each other.

4. To ensure that the order of which contempt is alleged is complied with, it is expected that the Plaintiff shall ensure compliance

up to date i.e. all payment obligations due as of April 30, 2026 no later than 12:00 noon on April 30, 2026.

5. List on **May 5, 2026** to ascertain compliance.
6. 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.]