

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

INTERIM APPLICATION NO. 3244 OF 2025
IN
SUIT NO. 4913 OF 2000

Afzal Sattar Oomerbhoy
V/s.

.. Applicant

Nadeem Majid Oomerbhoy & Ors.

...Respondents

WITH
APPEAL (L) NO. 8035 OF 2026
IN
INTERIM APPLICATION NO. 3244 OF 2025
WITH
APPEAL (L) NO. 8181 OF 2026
IN
INTERIM APPLICATION NO. 3244 OF 2025
WITH
INTERIM APPLICATION NO. 1286 OF 2023
WITH
INTERIM APPLICATION (L) NO. 4791 OF 2023
WITH
COURT RECEIVER REPORT NO. 62 OF 2022
WITH
INTERIM APPLICATION NO. 1115 OF 2020
WITH
INTERIM APPLICATION NO. 212 OF 2024
WITH
INTERIM APPLICATION NO. 3006 OF 2023
IN
SUIT NO. 4913 OF 2000
WITH
NOTICE OF MOTION NO. 2340 OF 2018
IN
SUIT NO. 2539 OF 2009
WITH
NOTICE OF MOTION NO. 2341 OF 2018
IN
SUIT NO. 4913 OF 2000
WITH

COURT RECEIVER REPORT NO. 389 OF 2022
IN
SUIT NO. 548 OF 2013

Mr. Piyush Raheja with Mr. Z. A. Jariwala and Mr. Ganesh Ambekar i/b Jariwala Associates for the Plaintiff.

Mr. Karl Tamboly with Mr. Malcolm Siganporia and Mr. Dev Tejnani i/b Mr. Dev Tajnani for the Defendant No.2 in Suit No. 4913 of 2000 with IA 3244/25, 1115/20 and 3006/23 and NM 2341/18, Appeals 8181/26 and 8035/26.

Mr. Dhruv Joshi with Ms. Janavi Khant i/b Harish Joshi & Co. for the Defendant No. 2 in NM 2342/18 in S 2539/2009.

Mr. Kunal Dwarkadas with Mr. Neil Dutta and Mr. Ayan Roy i/b Wadia Ghandy & Co. for the Defendants No. 4(b)(i) to 4(b)(iv) in Suit No. 4913 of 2000 and for the Defendants No. 5(a) to 5(d) in NMS 2342 of 2018.

Mr. Yohaana Shah i/b Negandhi Shah & Himayatullah for the Defendants No. 10 and 11 in S 2539 of 2009 and for the Defendants No. 8 and 9 in Suit No. 548 of 2013.

Ms. Usha Rahi, AGP for the State-Defendants No. 12 and 13 in S 2539 of 2009 and for the Respondents No. 4 to 8 in NMS 2340 of 2018.

Mr. Abbas Zaidy i/b Zahaii & Co. for the Defendants No. 13 in Suit No. 2539 of 2009.

Mr. Kalpesh Joshi with Ms. Nisha Shah i/b Kalpesh Joshi Associates for the Defendants No. 1a and 1b.

CORAM : ABHAY AHUJA, J.
DATE : 2nd APRIL, 2026

P.C. :

1. When the matter is called out and it must be stated that the matter has been listed under the caption “Supreme Court Expedited Matters”, Mr. Siganporia, learned Counsel appears for the Applicant in Interim Application No. 3244 and for the Defendant in Suit No. 4913 and submits that pursuant to the order dated 22nd January, 2026 read with order dated 26th February, 2026, the Court Receiver’s representative

along with the representative of the M/s Shetgiri & Associates, the Valuer appointed by this Court, have taken inspection of five of the eight properties on 27th February, 2026 and in respect of three properties the inspection could not be taken in as much as the same was obstructed by the agents of the Court Receiver.

2. Mr. Dwarkadas, learned Counsel appearing for the Defendants No. 4(b)(i) to 4(b)(iv) points out that as far as the two properties viz. the property at Cupid Apartments and the property at Nariman Building are concerned, the two properties were found locked and the inspection was obstructed by the mother of the Plaintiff. As regards the Ghelabai Street godown is concerned, Mr. Dwarkadas submits that the same was also found to be locked and there also the inspection was obstructed by the Plaintiff in Suit No. 4913 of 2000.

3. Learned Counsel seek to tender across the bar a typed site report of the inspection of 27th February, 2026. Today we are on 2nd April, 2026 and there is no report of the Court Receiver placed before this Court apprising the Court of the developments in the matter and no information with respect to the valuation / inspection has been presented on behalf of the Court Receiver nor is anyone present on behalf of the Court Receiver, when the matter is called out. This Court

has been observing from the last few months that when the matters involving the Court Receiver's office are called out, none is present on behalf of the Court Receiver and many times after the matter is midway or is over, the Court Receiver's representative seems to be lazily walking in to the Court. This kind of the conduct from the office of Court Receiver is not acceptable.

4. The Court Receiver is directed to place a report before this Court within 48 hours, particularly considering that the matter is a Supreme Court expedited matter.

5. M/s Shetgiri & Associates also to place before this Court a report in the matter as per paragraph 9 of the order dated 22nd January, 2026 by the next date.

6. List on **9th April, 2026**.

7. This Court is informed that the matter at serial no. 244 is a repeat of the matter at serial no. 239. The matter at serial no. 244 be, therefore, ignored.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
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