

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)... APPLICANT

V/s.

NADEEM MAJID OOMERBHOY AND ORS.)... DEFENDANTS

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

**NOTICE OF MOTION NO. 2342 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'S REPORT NO. 389 OF 2022
IN
SUIT NO. 548 OF 2013**

Mr.Karl Shroff a/w. Mr.Z.A.Jariwala, Ms.Shriya Mehta and Mr.Ganesh Ambekar i/b Jariwala Associates, advocate for the Plaintiff.

Mr.Kunal Dwarkadas with Mr. Neil Dutta and Mr. Ayan Roy i/b Wadia Ghandy & Co., Advocate for the Defendants No.4(b)(i) to 4(b)(iv) in S/4913/2000 and for the Defendants No.5(a) to 5(d) in S/2539/2009.

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

Mr.Karl Tamboly a/w. Mr. Malcolm Siganporia and Mr. Dev Tejnani i/by Mr.Dev Tejnani, Advocate for the Defendant No.2 and for the Applicant in IA/3244/2025, IA/1115/2020, IA/3006/2023, NM/2341/2018, S/4913/2000 a/w. Appeals (L) No.8181/2026 and No.8035/2026.

Mr.Dhruv Joshi with Ms.Janavi Khant i/b Harish Joshi & Co., Advocate for the Defendant No. 2 in NM 2342/18 and 2340/18 in Suit 2539/09.

Smt.Usha Rahi, AGP for the Respondents No. 4 to 8 - State in NMS/2342/2018 in S 2539/09(original Defendants No.13 to 17).

Mr.Hasan Mushabber i/by Negandhi Shah & Himayatullah, Advocate for the Defendants no.8 and 9 in S/548/2013 and for the Defendants no.10 and 11 in S/2539/2009.

Ms.Priyanka Kothari i/b Ms. Kanchan Pandare, Advocate for the Defendant No. 6 and Ms. Nargis Oomerbhoy.

Mr.B.V.Baravkar, Court Receiver a/w. Mr.Swayam Chopda, Officer on Special duty, Court Receiver's Office, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 24th APRIL 2026

P.C. :

1. Pursuant to earlier order of this Court dated 22nd January 2026, order dated 26th February 2026 and order dated 9th April 2026, today when the matter is called out, Mr.Tamboly, learned Counsel appearing for the Defendant no.2 and for the Applicant in Interim Application No.3244 of 2025 reiterates that this Court may direct assistance of police to the Court Receiver as well as the Valuer appointed by this Court for valuing the following three properties in terms of the order dated 22nd January 2026 as the valuation in respect of the three properties has been obstructed as reported in the Court Receiver's report dated 4th April 2026:

- (i) Flat No.12A, Nariman CHS Ltd.,
- (ii) Flat No.501, Cupid Apartment, and
- (iii) Ghelabai Godown.

2. As noted in earlier orders of this Court, the Court Receiver has also, therefore, sought directions in terms of prayer clause 24-A of the report as to the steps that would need to be taken with respect to the said three properties.

3. The learned Counsel appearing for the Plaintiff in the Suit submits that he has instructions not to permit the inspection and valuation of the said properties so also Ms.Kothari, learned Counsel appearing for the Plaintiff's mother, who submits that the Plaintiff's mother is statedly the owner of Flat No.12A Nariman Building and Flat no.501 Cupid Apartment, is also not agreeable to the inspection and valuation of the said properties.

4. The Court Receiver has in paragraph 13 set out the reason as to why the inspection could not be carried out and the valuation could not be done. It is stated therein that since the said properties were locked, the inspection and valuation could not be carried out. The order dated 22nd January 2026 directing valuation of the said three properties in addition to other five properties in respect whereof the valuation exercise has already been carried out and a report submitted, has neither been modified nor stayed.

5. Accordingly, having heard the learned Counsel and considering their submissions, this Court directs the Court Receiver, High Court, Bombay, to break open the locks of the said three properties and to carry out inspection and valuation with the assistance of the Valuer appointed by this Court within a period of two weeks.
6. Let a report be placed before this Court in two weeks thereafter. Let a copy of the report be furnished to all concerned.
7. The Commissioner of Police to render all assistance to the Court Receiver and the Valuer appointed by this Court to carry out the aforesaid exercise.
8. The Court Receiver's Report No.106 of 2026 to the extent of prayer clause 24-A stands disposed.
9. As regards prayer clauses 24-C and 24-D, all concerned to furnish the documents to the Court Receiver no later than a period of four weeks. Accordingly, the prayer clauses 24-C and 24-D of the Court Receiver's Report No.106 of 2026 also to stand disposed.
10. As regards the properties in respect whereof the valuation has already been carried out, the Court Receiver and all concerned are directed to comply with the order dated 22nd January 2026.

11. List on 9th June 2026 for further consideration including for consideration of prayer clauses 24-E, 24-F and 24-G.
12. The learned Counsel request for 18th June 2026. Accordingly list on **18th June 2026**.
13. Let all expenses incurred by the Court Receiver and the Valuer be paid from the account of the Suit No.4913 of 2000.
14. Registry to accept reply(ies).

(ABHAY AHUJA, J.)

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