

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.27933 OF 2015

M/s. Raksha Entertainment Pvt. Ltd. : Petitioner.
Versus
Geetai Co-operative Housing Society Ltd & : Respondents.
others.

**Mr. Vineet B Naik a/w Mr. Ashish Kamat a/w Mr. Shekhar i/by MAG Legal
for the Petitioner.**
Mr. E A Sasi for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 12th October 2015

P.C.

- 1 Not on board. Mentioned for urgent reliefs.

- 2 The above Petition takes exception to the order dated 09/10/2015 passed by the learned Judge of the City Civil Court, Greater Bombay in which order he has observed that the issue raised in the Application (Exhibit 7) moved by the Defendant No.6 i.e. the Petitioner herein would be decided or commented on while passing the order on the Notice of Motion. By the said Application (Exhibit 7), the Defendant No.6 has questioned the authority of the Plaintiff No.12 to file the suit on behalf of the Plaintiff No.11 by signing the plaint. It therefore appears to be the case of the Defendant No.6 that the said fact impinges upon the filing of the suit on behalf of the Plaintiff No.11.

3 In my view, since the learned Judge of the City Civil Court has observed that the said issue though kept in abeyance would be decided or commented on while passing the order on the Notice of Motion, it would be appropriate to direct the learned Judge of the City Civil Court, Greater Bombay to decide the said Application (Exhibit 7) along with the Notice of Motion and not keep it in abeyance.

4 The learned Senior Counsel Shri Vineet Naik appearing for the Petitioner submits that the Defendants have a commonality of interests and they therefore be protected in the event the orders are passed in the Notice of Motion which are against the Defendants. The learned counsel Shri Sasi appearing for the Respondents opposes the said application. In so far as the Notice of Motion, which is filed for interim reliefs, is concerned, in view of the fact that since the film in question has already been released on 02/10/2015, in the event the Notice of Motion is decided against the Defendants the order not to be given effect to for a period of two days so as to enable the Defendants to take appropriate recourse in law With the aforesaid directions, the above Writ Petition is disposed of.

5 The concerned parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]