

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

APPEAL NO.127 OF 2014
IN
CHAMBER SUMMONS NO.1332 OF 2012
IN
SUIT NO.711 OF 2011

Crystal Pride Developers	Appellant
versus	
Laxmi Industrial Estate and others	Respondents

Mr.S.U.Kamdar, Senior Advocate, with Mr.Manish Parekh i/by
Purnanand & Co. for Appellant.
Mr.Girish Godbole with Mr.Bhavin R. Bhatia and Mr.Prayag
Joshi for Respondent no.1.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 30th March 2016

PC :

1. Heard learned Senior Advocate appearing for the Appellant. He states, on instructions, that the Appellant will not press the challenge to the impugned order dated 4th February 2014 at this stage. He submits that in the event the decree passed in the suit be adverse to the Appellant, liberty may be granted to the Appellant to challenge the impugned order in the appeal, which may be preferred by the Appellant against the final decree.

2. The said prayer is consistent with Section 105 of the Code of Civil Procedure, 1908 ('Code'), and, therefore, deserves to be accepted. Accordingly, the appeal is disposed of by granting liberty to the Appellant to challenge the impugned order in an appeal, which may be preferred against the final decree passed in the suit, if the same be against the Appellant. All contentions which are raised by the Appellant in the present appeal, will be available in the said appeal, if filed.

3. We grant time of six weeks to the Appellant to file additional written statement to the amended plaint.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST