

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.557 OF 2015
IN
NOTICE OF MOTION NO.123 OF 2013
IN
SUIT NO.1267 OF 2009
ALONG WITH
APPEAL NO.204 OF 2016
IN
NOTICE OF MOTION NO.286 OF 2013
IN
SUIT NO.1267 OF 2009
ALONG WITH
APPEAL NO.13 OF 2016
IN
NOTICE OF MOTION NO.124 OF 2013
IN
SUIT NO.1267 OF 2009

APPEAL NO.557 OF 2015

M/s. S.D. Corporation Private Limited. .. Appellant
Vs

M/s. Truly Creative Developers Private Limited
and Others. .. Respondents

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Shri Girish Godbole along with Ms. Soumya Shrikrishna and Shri Pramod Patil for the Appellant.

Shri Arif Bookwala, Senior Counsel along with Shri Umesh Kurund and Shri Sanjay Yadav for the Respondent No.1.

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APPEAL NO.204 OF 2016

Shapoorji Pallonji & Co. .. Appellant
Vs

M/s. Truly Creative Developers Pvt. Ltd. & Ors. .. Respondents

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Shri Chirag Balsara along with Ms. Samidha Vedpathak i/b Maneksha & Sethna for the Appellant.

Shri Arif Bookwala, Senior Counsel along with Shri Umesh Kurund and Shri Sanjay Yadav for the Respondent No.1.

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APPEAL NO.13 OF 2016

Samtanagar Co-op. Hsg. Society Union Ltd. .. Appellant
Vs

M/s. Truly Creative Developer Pvt. Ltd.
and Others .. Respondents

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Shri Mahendra Gelani i/b M/s. Law Charter for the Appellant.
Shri Arif Bookwala, Senior Counsel along with Shri Umesh Kurund and
Shri Sanjay Yadav for the Respondent No.1.

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CORAM : A.S. OKA & G.S.KULKARNI, JJ
DATED : 8TH MARCH 2016

P.C.

1. Notices for final disposal of these Appeals were issued.
Heard learned counsel appearing for the Appellants and the learned
counsel representing the Original Plaintiff.

2. Learned senior counsel appearing for the first Respondent
states that to avoid any further delay, the Appellants may be permitted
to file Written Statements subject to payment of costs. He states that as
the suit is of the year 2009, a time bound schedule may be fixed for
disposal of the suits. He states that the Original Plaintiff is agreeable to
appoint a Court Commissioner to record the evidence.

3. The Appellants have left the costs to the decision of this Court. Considering the facts and circumstances of the cases, we quantify the costs of Rs.1 lakh payable by each Appellant to the Original Plaintiff.

4. Accordingly, we dispose of the Appeals by passing the following order:

ORDER:

- (a) The impugned order dated 6th October 2015 is hereby quashed and set aside;
- (b) Notices of Motion No.123 of 2013, 124 of 2013 and 286 of 2013 are made absolute by permitting the Appellants to file Written Statements within a period of three weeks from today;
- (c) We make it clear that no further extension will be granted;
- (d) The Appellants in each Appeal shall pay costs quantified at Rs.1 lakh to the Original Plaintiff within a period of two weeks from today. Costs shall be condition precedent;

- (e) It will be open for the first Respondent to apply to the learned Single Judge for expeditious disposal of the suit. We are sure that if a case is made out, the learned Single Judge will give priority to the said suit;
- (f) All contentions on merits are kept open.

(G.S. KULKARNI, J)

(A.S. OKA, J)