

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

APPEAL (L) NO. 913 OF 2015

Mr. Harshad K. Bagadia

...Appellant

Versus

Harashad C. Valia & Ors.

...Respondents

Mr. Mayur Khandeparkar, a/w Mr. Gauraj Shah, i/b Kanga & Co., for the Appellant.

Mr. Chirag Kamdar, a/w Mr. Harshit Parekh, i/b Purnanand & Co., for Respondents No. 1 & 2.

Mr. Farhan Dubash, a/w Ms. Apeksha Munot, i/b Wadia Ghandy & Co., for Respondent No. 5.

Ms. Nivedita Kundaji, i/b Deewani Associates, for Respondent No. 7.

CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.

DATE : 11th April 2016

ORDER :

1. This is an Appeal against an ad-interim order dated 1st October 2015 passed by learned Single Judge of this Court in Section 9 proceeding.

2. Heard by consent.

3. Learned Counsel appearing for Appellant submitted that they are mainly aggrieved by the observation in the impugned order revolving upon the alleged collusion and money lending transaction. Since this is an ad-interim order and the observation, even if any, while passing ad-interim order, are *prima facie* in nature, therefore, we are inclined to dispose of the present Appeal. The learned Single Judge is requested to dispose of the Section 9 proceeding expeditiously and without being influenced by the observations made in the impugned ad-interim order. The Division Bench of this Court on 26th November 2015 against the same developer, but on behalf of other party, has already requested the learned Judge to expeditiously dispose of the Petition under Section 9. Therefore, by keeping all the contentions open, the present Appeal is accordingly disposed of.

4. We have noted that the submission of the learned Counsel that the Appellant has made an application for tagging this matter with the suit and the same is pending before the same Judge. We need not express any opinion in that regard.

[A.A. SAYED, J.]

[ANOOP V. MOHTA, J.]