

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

**APPEAL FROM ORDER NO.486 OF 2014
with
CIVIL APPLICATION NO.569 OF 2014**

The Hub Mall Premises Co-operative
Society Ltd. ... Appellant

Vs.

Lupin Performance Chemicals Ltd. & ors. ... Respondents

**with
CIVIL APPLICATION NO.824 OF 2014
IN
APPEAL FROM ORDER NO.486 OF 2014**

Kawdu Latariji Ramteke ... Applicant

IN THE MATTER BETWEEN:

The Hub Mall Premises Co-operative
Society Ltd. ... Appellant

Vs.

Lupin Performance Chemicals Ltd. & ors. ... Respondents

Mr.G.S. Godbole i/b V.P. Pandya for the Appellant
Ms.Gargi Bhagwat i/b P.S. Legal for Respondent No.1
Mr.Cyrus Ardeshir with Ms.Prachi Dhanani i/b Veritas Legal
for Resp. No.2
Ms.Madhuri More for Resp. No.3 / Corporation
Mr.Suraj Iyer with Rikin Dang i/b Ganesh & Co. for Applicant in
CAA/824/2014

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 12, 2018**

P.C. :

1. The present appeal is directed against the order dated 27.3.2014 passed by the learned City Civil Court, thereby dismissing the Notice of Motion No.2945 of 2013 in L.C. Suit No.2946 of 2013. The appellant is the original plaintiff – society, who filed the suit for declaration and injunction against respondent No.2 / Builder. In the Motion, the original plaintiff has prayed for mandatory injunction in respect of loading of additional Transferable Development Rights (TDR). The learned Judge after considering the documents before him, had refused to grant injunction.
2. The said order is of March, 2014 which is challenged in this appeal. 4 years have passed. The written statement is filed by the contesting party i.e., respondent No.2. In view of this, the trial may proceed and the trial Court shall endeavour to expedite the suit preferably in one year from today. The parties to cooperate with the trial court. All contentions and objections are kept open.
3. Appeal is disposed of accordingly. Civil Application also disposed of.

(MRIDULA BHATKAR, J.)