

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 411 OF 2018

M/s. Bhoj Restaurant through its prtners Narendrakumar s/o. Ganeshram Gupta & Anr.	..	Petitioners
vs. Sanika Hospitality (I) Pvt. Ltd. & Anr.	..	Respondents

Mr. S. S. Kanetkar for Petitioners.
Mr. A. Joshi with Mr. A. A. Dandekar for Respondent No. 1.

CORAM : M. S. SONAK, J.

DATE: 26 MARCH 2018

P.C :

1] After this matter was argued for some time, the learned counsel for the parties agree that this petition can be disposed of by the following agreed order:

(A) The orders dated 21st November 2017 and 23rd November 2017 at pages 124 and 126 of the paper book are hereby set aside;

(B) The petitioner is granted liberty to challenge order below Exhibit 37 in Regular Civil Suit No. 724 of 2013 as well as Civil Suit No. 446 of 2012 in terms of section 105 of the CPC;

(C) It is made clear that this court has not examined the merits of the matter and therefore, all contentions of all parties are left open to be decided by the appeal court, in case, such appeals are indeed instituted by the petitioner.

(D) Therefore, the appeal court, to decide the appeals as well as the challenges therein, inter alia to the impugned order below Exhibit 37 on its own merits and in accordance with law, without being influenced by the circumstance that the orders at pages 124 and 126 have now been set aside by consent.

2] This petition is disposed of in the aforesaid terms.

3] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)