

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO.560 OF 2018
IN
NOTICE OF MOTION (L) NO.2855 OF 2018
IN
SUIT (L) NO.1605 OF 2018**

**Mugdha Creators LLP ..Appellant
Versus
Damodar Sadashiv & Others (HUF) and others ..Respondents**

**AND
NOTICE OF MOTION (L) NO.1340 OF 2018
IN
APPEAL (L) NO.560 OF 2018
IN
NOTICE OF MOTION (L) NO.2855 OF 2018
IN
SUIT (L) NO.1605 OF 2018**

Mugdha Creators LLP ..Applicant

IN THE MATTER BETWEEN

**Mugdha Creators LLP ..Appellant
Versus
Damodar Sadashiv & Others (HUF) and others ..Respondents**

Dr. Milind Sathe, Senior Advocate a/w Mr. Chirag Kamdar, Mr. Bhushan Deshmukh, Mr. Nitesh Ranavat, Ms. Tanvi Shah, Ms. Disha Shetty I/by M/s. Wadia Ghandy & co., Advocate for the Appellant/Applicant.

Mr. Prasad Dhakephalkar, Senior Advocate a/w Mr. Shardul Singh, Mr. Vinay Khandelwal I/by Mr. Idris Vohra, Advocate for the Respondents.

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 19th DECEMBER, 2018**

P.C.

1] After the Appeal was heard for a considerable time, it is agreed that Appeal shall not be decided on merits. It will be in the interest of justice that the learned Single Judge is requested to decide the Motion within a reasonable period and till the decision of the Motion, the Defendants would not create third party rights in the suit property.

2] In that view of the matter, the Appeal is disposed of with a request to the learned Single Judge to decide the Motion on merits within a period of two months from today.

3] All the parties shall complete their pleadings in the Motion within a period of four weeks from today. We accept the statement made by Mr. Prasad Dhakephalkar, learned Senior Counsel appearing on behalf of Defendant No.1 that till decision of the Motion, the Defendants would not create third party rights.

4] In view of disposal of Appeal, Notice of Motion (L) No.1340 of 2018, does not survive and accordingly stands disposed of.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]