

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

**APPEAL FROM ORDER (ST.) NO.16162 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.16164 OF 2019**

M/s PNK Space Development
Private Limited ... Appellant
Versus
Prakash Hirji Savla
And Others ... Respondents

**ALONG WITH
APPEAL FROM ORDER (ST.) NO.15631 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.15632 OF 2019**

M/s Sej Laxmi Developers
Through its partners ... Appellants
Versus
Prakash Hirji Savla
And Others ... Respondents

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Mr. Prasad Dani, Senior Advocate a/w Mr. Ajit N. Jakhadi, Mr. Chetan Pathak and Mr. Amol Chile i/b Mr. Ajit N. Jakhadi for the Appellant in Appeal from St. No.16162 of 2019 and for Respondent No.3 in Appeal from St. No.15631 of 2019.

Ms. Prachi Garg and Ms. Saloni Shah i/b DSK Legal for the Appellants in Appeal from Order St. No.15631 of 2019 and for Respondent No.3 in in Appeal from Order St. No.16162 of 2019.

Mr. Sanjeev P. Kadam a/w Mr. Bhalchandra Shinde i/b Mr. Prashant P. Raul for Respondent No.1.

Mr. M.S. Lagu for Respondent No.5-Mira Bhayander Municipal Corporation.

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CORAM : S.C. GUPTE, J.

DATE : 10 OCTOBER 2019

P. C. :

. The matters were heard at some length yesterday, 9 October 2019. They were stood over to today's date to enable learned Counsel for Respondent No.1 to take instructions from his client, whether the impugned orders may be set aside and matters remanded for a fresh hearing in accordance with law. Learned Counsel for Respondent No.1 informs the Court that his client is agreeable to the course suggested. Accordingly, the impugned order dated 30 March 2019 is quashed and set aside and matters are remanded to the Court of Civil Judge Senior Division at Thane. The order passed by the Court of Civil Judge Senior Division at Thane on Exhibit '17' in Regular Civil Suit No.3 of 2019 shall operate in the meantime as an ad-interim order pending hearing of Exhibit '5'. The court shall consider whether to continue this order whilst deciding Exhibit '5'. The trial court shall decide Exhibit '5' independently and without being influenced either by this order or the order passed on Exhibit '17' on 5 February 2019.

2 The Court of Civil Judge Senior Division at Thane is requested to dispose of Exhibit '5' as expeditiously as possible and preferably within a period of eight weeks. All rights and contentions of the parties on merits are kept open.

3 The Appeals from Order are disposed of in above terms.

4 In view of the disposal of the appeals, the respective Civil Applications do not survive and same are disposed of.

(S.C. GUPTE, J.)