

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

APPEAL (L) NO. 212 OF 2019
IN
NOTICE OF MJOTION NO. 534 OF 2017
IN
SUIT NO. 166 OF 2017

WITH
NOTICE OF MOTION (L) NO. 448 OF 2019
IN
APPEAL (L) NO. 212 OF 2019

Mohini Sheltors Pvt. Ltd.	}	Appellant
versus		
Jyoti Ishwar Khubchandani	}	
and Ors.	}	Respondents

WITH
APPEAL (L) NO. 248 OF 2019
IN
NOTICE OF MOTION NO. 534 OF 2017
IN
SUIT NO. 166 OF 2017

WITH
NOTICE OF MOTION (L) NO. 526 OF 2019
IN
APPEAL NO. 248 OF 2019

Prem Bhavan Co-operative	}	
Housing Society Limited and Anr.	}	Appellants
versus		
Jyoti Ishwar Khubchandani	}	
and Ors.	}	Respondents

Mr.Shreepad Murthy with Mr.Abhishek
Patil for the appellant in APPL/212/2019
and for respondent no. 3 in
APPL/248/2019.

Mr.P.S.Dani-Senior Advocate with Mr.Piyush N. Shah and Mr.Jay Vora for the appellants in APPL/248/2019 and for respondent nos 3 and 4 in and APPL/212/2019.

Mr.Shailesh C. Naidu with Mr.Vijay B. Dhingreja, Mr.Ravish Mishra and Mr.Nishith Sharma i/b. Mr.Vijay B. Dhingreja for respondent no. 1 in APPL/212/2019 and for respondent no.2 in APPL/248/2019.

Mr.Ashwin Sakolkar with Ms.Rupali Adhate for the Municipal Corporation.

**CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.**

DATED :- JUNE 12, 2019

P.C. :-

1. Having heard both sides at great length and perusing with their assistance the orders impugned in these appeals, on our reservation being expressed, both sides agree that the impugned orders be quashed and set aside by consent of all parties and the notices of motion moved in the subject appeals be restored to the file of the learned Single Judge. We direct accordingly.

2. The impugned orders stand set aside. The motions shall be heard afresh on their own merits and in accordance with law uninfluenced by any observations in the impugned orders. Since the impugned orders are set aside by consent, we need not assign any reasons. The respondents-plaintiffs can apply for such ad-

interim relief as are permissible in law in the pending notices of motion. Needless to clarify that all contentions of the defendants to the suit are also kept open.

3. All the appeals are allowed accordingly. The notices of motion in the appeals do not survive and stand disposed of accordingly.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)