

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.262 OF 2021
WITH
INTERIM APPLICATION NO.2395 OF 2021

Jesus Sudhir Lall & Anr.] .. Appellants/Applicants

Versus

Dr. Sudhir Gupte & Ors.] ... Respondents

Mr. P. K. Dhakephalkar, Senior Advocate a/w Mr. Prateek S., Mr. Amogh Singh, Mr. Nishant Chothani, Mr. Nivit Srivastava & Ms. Sneha Patil i/b Maniar Srivastava Associates for Appellant/Applicant.

Mr. Rajesh Dharap i/b Apte & Co. for Respondent Nos.1, 2, 4 & 5.

Mr. Arun Panickar a/w Mr. Vinay for Respondent No.3.

Mr. A. R. Patil, AGP for State.

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CORAM :- A. S. GADKARI, J.
DATE :- 20 SEPTEMBER, 2021

P. C. :-

1. In view of the fact that the Annual General Body Meeting of the Mumbai Suburban Education Society is now scheduled on 26/09/2021, the learned Senior Counsel appearing for the Appellants, on instructions, submitted that the Appellants will withdraw S.C.Suit No.1723 of 2021 pending on the file of the learned Judge, City Civil Court at Dindoshi, Mumbai and will file a fresh substantive Suit challenging the said meeting dated 26/09/2021 and the decision, if any, taken therein. The said statement is accepted.

2. Accordingly, the said S.C.Suit No.1723 of 2021 pending on the file of learned Judge, City Civil Court at Dindoshi, Mumbai is disposed off.

3. It is needless to mention that, contentions of all the parties are expressly kept open to be raised and / or agitated in a fresh Suit which the Appellants will file, challenging the Annual General Body Meeting scheduled to be held on 26/09/2021 and the proceedings and/or any decision taken therein.

4. Appeal is accordingly disposed off with aforesaid liberty.

5. In view of disposal of Appeal, Interim Application No.2395 of 2021 does not survive and the same is also disposed off.

(A. S. GADKARI, J.)