

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

WRIT PETITION NO.3684 OF 2019

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Mrs. Rukmanidevi Verawadan Taparia and Ors. ..Petitioners
Versus
Expat Properties India Ltd. ..Respondent

Mr. Shailendra S. Kanetkar a/w Nikhil Dongre, for the Petitioners.
Mr. Dormaan Dalal i/by Abhishek Srinivasan, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 2nd FEBRUARY, 2022

PC.

1. Heard Mr. Shailendra Kanetkar, learned counsel appearing for the petitioners and Mr. Dormaan Dalal, learned counsel for the respondent.

2. The contentions of Mr. Shailendra Kanetkar are, the issue raised in the present petition is squarely covered by the judgment of this Court delivered on 23rd August, 2019 in Writ Petition No.3685 of 2019 arising out of Suit No.1767 of 2008.

3. I have perused the said judgment and also the order impugned and the prayer in the present petition.

4. Mr. Dormaan Dalal in response to the aforesaid submission would urge that he can distinguish the judgment referred above in Writ Petition No.3685 of 2019 on the facts.

5. I have considered the said submissions.

6. As far as the judgment delivered in Writ Petition No.3685 of 2019 is concerned, challenge in the said writ petition was to the order dated 2nd January, 2019. Even in the present petition also it can be noticed that on the same set of facts the order dated 2nd January, 2019 is questioned. In view of above, resistance shown by Mr. Dormaan Dalal is required to be overlooked.

7. As such, for the reasons recorded in the judgment dated 23rd August, 2019 delivered in Writ Petition No.3685 of 2019, the order impugned dated 2nd January, 2019 is hereby quashed and set aside.

8. The petition stands allowed in the above terms.

[NITIN W. SAMBRE, J.]