

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 5 OF 2015

IN

NOTICE OF MOTION NO. 1729 OF 2014

IN

S.C. SUIT NO. 1259 OF 2014

ALONGWITH

CIVIL APPLICATION NO. 8 OF 2015

(FOR STAY)

SUDARSHAN MALPANI

} APPELLANT

V/S.

ARGIL PROPERTIES PRIVATE

LIMITED AND ORS.

} RESPONDENTS

ALONGWITH

APPEAL FROM ORDER NO. 6 OF 2015

IN

NOTICE OF MOTION NO. 1731 OF 2014

IN

S.C. SUIT NO. 1263 OF 2014

SUDARSHAN MALPANI

} APPELLANT

V/S.

TASHA MULTITRADING PRIVATE

LIMITED

} RESPONDENT

ALONGWITH

APPEAL FROM ORDER NO. 7 OF 2015

IN

NOTICE OF MOTION NO. 1730 OF 2014

IN

S.C. SUIT NO. 1258 OF 2014

SUDARSHAN MALPANI } APPELLANT

V/S.

NEAR VIEW REALITY PRIVATE
LIMITED } RESPONDENT

ALONGWITH
APPEAL FROM ORDER NO. 8 OF 2015
IN
NOTICE OF MOTION NO. 1726 OF 2014
IN
S.C. SUIT NO. 1262 OF 2014

SUDARSHAN MALPANI } APPELLANT

V/S.

MACROLITE INFRAPROJECTS
PRIVATE LIMITED } RESPONDENT

ALONGWITH
APPEAL FROM ORDER NO. 9 OF 2015
IN
NOTICE OF MOTION NO. 1728 OF 2014
IN
S.C. SUIT NO. 1260 OF 2014

SUDARSHAN MALPANI } APPELLANT

V/S.

RIGHTGEM REALITY PRIVATE
LIMITED } RESPONDENT

ALONGWITH
APPEAL FROM ORDER NO. 10 OF 2015
IN
NOTICE OF MOTION NO. 1727 OF 2014
IN
S.C. SUIT NO. 1261 OF 2014

SUDARSHAN MALPANI } APPELLANT

V/S.

LOGACTIVE INFRAPROJECTS
PRIVATE LIMITED } RESPONDENT

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Mr. Dakshesh Vyas a/w. Mr. Abhishek Prabhu a/w. Ms.
Jinal Shah, Advocate for the appellant.

Ms. Ankita Singhania a/w. Mr. Punit Damodar, Ms. Nikita
Vardhan, Ms. Raveena Kinkhabwala and Mr. Vishal
Tiwari i/by. Kanga & Co., Advocate for respondent
no.1.

Coram : Sandeep K. Shinde, J.
(through Video Conference).

Friday, 4th February, 2022.

P.C. :

1) Each of these Appeals filed under Order 43 Rule
1(r) read with Section 104 of the Code of Civil Procedure,
challenges the order dated 8th May, 2014 passed by the City

Civil Court, Greater Mumbai. By impugned order, the learned trial Court granted ad-interim relief in terms of prayer clauses (1) and (2) in favour of the plaintiffs. Pending instant appeal/s, neither operation of impugned order/s, was stayed nor modified it. Infact, on 26th June, 2014, this Court declined to grant stay to the operation of the impugned order/s. Be that as it may, the interim order passed by the trial Court is in force since May, 2014. In the circumstances, in my view, it would be expedient, if the trial Court, dispose of Notice of Motions No.1729 of 2014, 1731 of 2014, 1730 of 2014, 1726 of 2014, 1728 of 2014 and 1727 of 2014, as expeditiously as possible, and preferably on/or before 31st December, 2022.

2) Thus, in consideration of the facts of the case, no interference is called for in order, granting ad-interim relief, which is operating since May, 2014. Appeals are dismissed. In that view of the matter, parties shall appear before the trial Court on the scheduled date.

3) The learned trial Court, shall decide the Notice of Motion No. 1729/2014 in Short Cause Suit No.1259/2014, Notice of Motion No. 1731 of 2014 in Short Cause Suit No. 1263 of 2014, Notice of Motion No.1730 of

2014 in Short Cause Suit No. 1258 of 2014, Notice of Motion No. 1726 of 2014 in Short Cause Suit No. 1262 of 2014, Notice of Motion No. 1728 of 2014 in Short Cause Suit No. 1260 of 2014 and Notice of Motion No. 1727 of 2014 in Short Cause Suit No. 1261 of 2014, on its own merits, preferably before 31st December, 2022.

4) All contentions of the parties are expressly kept open.

5) With disposal of the Appeals, all interim applications filed therein become infructuous and do not survive. The same also stand disposed of.

NEETA
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(Sandeep K. Shinde, J.)