

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 366 OF 2019
WITH
CIVIL APPLICATION NO. 436 OF 2019
WITH
CIVIL APPLICATION NO. 437 OF 2019
IN
APPEAL FROM ORDER NO. 366 OF 2019

The Silver Arch Co-operative Housing Society
Limited .. Appellant

Versus

Windsor Co-operative Housing Society Limited
and Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 375 OF 2021
WITH
CIVIL APPLICATION NO. 17 OF 2021
IN
APPEAL FROM ORDER NO. 375 OF 2021

Ascot Cooperative Housing Society Limited .. Appellant

Versus

The Designated Officer II Asst. Engineer and
Ors. .. Respondents

WITH
APPEAL FROM ORDER NO. 399 OF 2018
WITH
CIVIL APPLICATION NO. 524 OF 2018
IN
APPEAL FROM ORDER NO. 399 OF 2018

The Marvel Co-operative Housing Society Ltd.
and Ors. .. Appellants

Versus

The Municipal Corporation of Greater Mumbai
and Anr. .. Respondents

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- Mr. Jahangir Altaf Khan, Advocate for the Appellant / Applicant in
AO No.366 of 2019 and for Respondent in AO No.375 of 2021 and

AO No.399 of 2018.

- Mr. Sanjiv Kadam a/w. Mr. Amol Mhatre, Advocates for Appellant / Applicant in AO No.375 of 2021.
- Mr. R.R. Sharma, Advocate for the Appellant / Applicant in AO No.399 of 2018.
- Mr. Satyam D. Joshi i/by Mr. Devendra B. Singh, Advocate for Respondent No.2 in AO No.366 of 2019.
- Mr. Rizwan Quereshi i/by Mr. H. Ghadigaonkar, Advocate for Respondent No.1 in AO No. 366 of 2019.
- Mr. Om Suryawanshi, Advocate for MCGM.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 20, 2022

P.C.:

1. This is a group of Appeal from Orders which have been clubbed together. All the three Appellants are Co-operative Housing Societies.

2. Three suits namely Suit Nos.2025 of 2017, 2693 of 2017 and 2684 of 2017 have been filed by the three Co-operative Housing Societies in the Bombay City Civil Court at Dindoshi for seeking declarations / injunctions.

3. After hearing the learned counsel appearing for the appellants for some time, Mr. Jahangir Khan, Mr. Sharma and Mr. Kadam have informed that issues have already been framed in Suit Nos.2693 of 2017 and 2684 of 2017. The issues in Suit No.2025 of 2017 are yet to be framed. Learned counsel also inform that suit Nos.2693 of 2017 and 2684 of 2017 are appearing on the record and file of Court No.7 whereas Suit No.2025 of 2017 is appearing on the record and file of

Court No.1 in the trial court.

4. Learned counsel appearing for the appellants have taken instructions and are agreeable for determination of the three pending suits before the Trial Court within a time bound program in order to redress the grievances of the plaintiffs. In view thereof, the Additional Principal Judge of the Bombay City Civil Court at Dindoshi is directed to club all three suits together for hearing and final disposal before one Court only as per the board and convenience of the concerned Court.

5. The Trial Court is directed to complete hearing of the trial within a period of six months from today. Learned counsel, on instructions, submit that their clients shall not take unnecessary adjournments and delay the completion of trial before the Trial Court. Admittedly, the cause of action in all the three suits are different but only for the sake of convenience it is directed that one Court will decide and dispose of all the three suits; needless to state that evidence shall be led separately in all the 3 suits.

6. The parties shall appear before the Additional Principal Judge at 11:00 a.m. on 25.07.2022 for seeking directions.

7. The order dated 18.06.2018 passed in Appeal from Order (St.) No.16113 of 2018 which is now numbered as Appeal from Order No.399 of 2018 for maintaining status-quo shall continue for a further period of six months till the disposal of the three suits.

8. In the meanwhile it shall be open to the parties to make an endeavour to settle their differences, *inter alia*, relating to parking, access and boundary dispute, if possible, amicably.

9. In view of the directions, above Appeal from Orders stand disposed of. Civil Applications, if any, in the Appeal from Orders also stand disposed of.

[MILIND N. JADHAV, J.]

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