

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
COMMERCIAL APPEAL NO. 41 OF 2020**

IN

COMMERCIAL SUIT (L) NO. 1224 OF 2019

Peerless Constructions Pvt Ltd ...Appellant

Versus

Borivali Om-Shri Krishna Coop Housing Soc Ltd ...Respondents
& Ors

WITH

INTERIM APPLICATION (L) NO. 22641 OF 2021

IN

COMMERCIAL APPEAL NO. 41 OF 2020

Peerless Constructions Pvt Ltd ...Appellant

Versus

Borivali Om-Shri Krishna Coop Housing Soc Ltd ...Respondents
& Ors

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WITH

INTERIM APPLICATION NO. 41 OF 2020

IN

COMMERCIAL APPEAL NO. 41 OF 2020

Peerless Constructions Pvt Ltd ...Appellant

Versus

Borivali Om-Shri Krishna Coop Housing Soc Ltd ...Respondents
& Ors

Mr Mayur Khandeparkar, *with Vikhil Dhoka & M Bindora, i/b GM Legal, for the Appellant.*

Mr Charles DeSouza, *Nikhil Rajani, i/b M/s V Deshpande & Co, for Respondents.*

**CORAM G.S. Patel &
 Prithviraj K Chavan, JJ.**
DATED: 30th June 2022

PC:-

1. Mr Khandeparkar for the Appellants submits that events have overtaken the Appeal. The Respondents seem to have appointed another developer. The Appellants will need to make the necessary application before the learned Single Judge.
2. At Mr Khandeparkar's request, we allow him to withdraw the Appeal in light of these events, clarifying that we have made no any assessment on merit. All contentions are kept open.
3. The Appeal is disposed of in these terms. In view of this, the pending Interim Applications do not survive and all disposed of as infructuous.

(Prithviraj K Chavan, J)

(G. S. Patel, J)