

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2797 OF 2020**

M/s Sunrise Builders through Prop.

Vijay K. Lalwani

....Petitioner

V/s.

M/s Shree Venkatesh Creator Promoters
& Developers & Ors.

...Respondents

Ms Meena H Doshi for Petitioner.

Ms Anjali Patil for Respondents.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ
DATED : 4th JANUARY 2023**

P.C. :

1 After this petition was heard for sometime, the following order, without prejudice to rights and contentions of the parties is passed by consent:

(a) The office order dated 23rd November 2017 transferring Special Civil Suit No.174 of 2016 back to old Special Civil Suit No.1161 of 2015 is quashed and set aside. We have noted that both Ms Doshi and Ms Patil agree that the dispute is a commercial dispute and the District Court at Pune had initially transferred the matter to Commercial Division correctly.

(b) Written Statement to the counter claim shall be filed by petitioner within two weeks from the date this order is uploaded.

(c) Special Civil Suit No.174 of 2016 be listed before the Designated

District Judge, Commercial Court Pune, on 3rd February 2023 for case management hearing.

2 We clarify that we have not made any observations on the merits of the case.

3 Costs to be cost in the suit and counter claim for both parties.

4 Petition disposed.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)