

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 983 OF 2023
IN
CIVIL REVISION APPLICATION NO. 372 OF 2022

Future Sector Land Developers LLP & Anr.

Applicants

.. (Org. Respondent Nos. 1 & 2)

IN THE MATTER BETWEEN

Bagmane Developers Pvt Ltd

(formerly known as Bagmane Constructions Pvt Ltd)

.. Applicant

Versus

Future Sector Land Developers LLP & Ors.

.. Respondents

.....

- Mr. Mayur Khandeparkar a/w Ms. Sonam Mhatre, Ms. Saloni Sulakhe, Mr. Amit Mishra and Insiya Rangwala i/by Dhaval Vussonji & Associates for Applicants
- Mr. Aditya S. Targe a/w Ms. Sneha G. Sanap and Mr. Karan Rakhana for Applicant in CRA 372/22
- Mr. Chetan Yadav i/by Mr. Vijay Dhingreja for Respondent No. 139

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 03, 2023

P.C.:

1. Heard Mr. Khandeparkar, learned Advocate for Applicants; Mr. Targe, learned Advocate for Applicant in CRA 372/22 and Mr. Chetan Yadav for Respondent No. 139. Notice of production has been given by the Applicants to the Respondents at 2:30 p.m. as the matter was mentioned at 10:30 a.m. today morning.

2. On 23.01.2023, this Court passed the Judgment in Civil Revision Application Nos. 372 of 2022 and 5 of 2023. The learned Trial Court has, however passed an order dated 02.02.2023,

paragraph No. 4 of which reads as under:-

“4. As per order of Hon’ble High Court plaintiffs are required to present suit plaint to the Civil Court at Bengaluru. Hon’ble High Court has given stay to the said order for a period of 5 weeks. The stay is for presenting suit plaint to the Civil Court at Bengaluru. That does not mean that, this Court has jurisdiction to try the suit for period of 5 weeks from the date of order of Hon’ble High Court. Due to stay this court cannot return the plaint as on today. But, that does not give power to the court to give further interim relief to the plaintiffs. So, considering facts and circumstances, it will not be just and proper to extend interim relief as prayed. Hence, following order :-

ORDER

1. Application Exh. 463 is rejected.
2. Costs in cause.”

3. In the present Interim Application, the Applicants have raised the grievance with respect to the above directions contained in paragraph No. 4 and sought clarification.

4. Mr. Yadav and Mr. Targe, learned Advocates would submit that considering the Judgment dated 23.01.2023, clarification can be given by the Court.

5. I have perused the order dated 02.02.2023 and find that paragraph No. 4 thereof needs to be clarified.

6. In view of the above, it is clarified that the interim order dated 06.07.2021 shall continue to operate for a period of five weeks from the Judgment dated 23.01.2023.

7. With the above direction, Interim Application stands disposed.

[MILIND N. JADHAV, J.]

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