

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1117 OF 2018

Sushama A Gupta and Anr ... Appellants
V/s.

Minal Co-operative Housing Society
Limited ... Respondent

**WITH
INTERIM APPLICATION NO.1620 OF 2023**

Sushama A Gupta and Anr ... Applicants
V/s.

Minal Co-operative Housing Society
Limited ... Respondent

**WITH
INTERIM APPLICATION NO.329 OF 2023**

**WITH
CIVIL APPLICATION NO.1324 OF 2018**

**IN
FIRST APPEAL NO.1117 OF 2018**

Sushama A Gupta and Anr ... Applicants
V/s.

Minal Co-operative Housing Society
Limited ... Respondent

**WITH
INTERIM APPLICATION NO.19475 OF 2022**

**IN
FIRST APPEAL NO.1117 OF 2018**

Shivkumar Gupta ... Applicant
V/s.

Minal Co-operative Housing Society
Limited ... Respondent

**WITH
INTERIM APPLICATION NO.19474 OF 2022**

Sushama A Gupta and Anr ... Applicants

V/s.

Minal Co-operative Housing Society
Limited ... Respondent

**WITH
INTERIM APPLICATION NO.20252 OF 2022
IN
FIRST APPEAL NO.1117 OF 2018**

Urmila S. Gupta ... Applicant

V/s.

Sushma A. Gupta ... Respondent

Mr. Uzair Kazi a/w Ankita Sharma i/b YMK Legal for
the applicants.

Mr. Mayur Khandeparkar a/w Bishwajeet Mukherjee,
H. Syed, Meet Gandhi for respondent No.1.

Mr. Aseep Naphade for respondent No.13.

Mr. Santosh Parad for respondent/MCGM.

Mr. C.M. Lokesh for applicant in IA No.20252 of 2022.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 22, 2023

PC.:

INTERIM APPLICATION NO.1620 OF 2023

1. According to the applicant, the conditions imposed while granting permission under Section 354 of Bombay Municipal Corporation Act, 1888 have been violated by respondent No.12. In my opinion, said event having occurred during the pendency of the appeal, being independent cause of action. Allowing such

application would be beyond purview of scope of the appeal which is pending before the Court. The applicants will have the liberty to adopt appropriate proceedings for enforcement of their alleged rights before appropriate forum.

2. The application is, therefore, disposed of with liberty to applicant to file appropriate proceeding before appropriate forum for ventilation of rights.

3. The Interim Application stands disposed of in the above terms. No costs.

4. List the First Appeal on **21st March, 2023 “For Admission”**.

(AMIT BORKAR, J.)