

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

**INTERIM APPLICATION NO.2581 OF 2023
IN
CIVIL REVISION APPLICATION NO.541 OF 2022**

Ganga Preet Co-op Hsg. Soc. Ltd. Applicant
(Respondent No.1)

IN THE MATTER BETWEEN -

M/s Goel Constructions Applicant
versus
Ganga Preet Co-op Hsg. Soc. Ltd. & Ors. Respondents
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- Mr. Surel Shah i/b. Chaitanya B. Nikte a/w Hitanshu Jain a/w Prajit Sahane, Advocate for Applicant in IA/2581/23 & Respondent No.1 in CRA/541/22.
- Mr. Prathamesh Bhargude a/w Sumit Sonare a/w Sharad Dhore, Advocate for Respondent in IA/2581/23 and Original Applicant in CRA/541/22.

**CORAM : SARANG V. KOTWAL, J.
DATE : 24th MARCH, 2023**

P.C. :

1. This Civil Application is filed for vacating the stay granted by order dated 17/03/2023 passed in Civil Revision Application No.541 of 2023. Learned counsel for the Applicant herein states that on that date, there was death in the family of

advocate on record. However, that fact was not brought to the notice of the Court when this order was passed. In this situation, the order dated 17/03/2023 was passed since request was made on behalf of the Respondent No.1 for adjournment.

2. Today, the Original Applicant in Civil Revision Application No.541 of 2022 (Respondent No.1 in the present application) fairly accepts this position and is agreeable for modifying the order dated 17/03/2023. He submitted that the stay granted in the suit be continued till the next date except that the application below Ex.5, which is pending, be decided on its own merits in between, and the stay granted by the order dated 17/03/2023 may not come in the way of deciding the application filed below Ex.5 by the Original Plaintiff. Since the Applicant in the Civil Revision Application is consenting to this arrangement, following order is passed :

ORDER

- (i) Order dated 17/03/2023 is modified.

- (ii) Civil Revision Application No.541 of 2022 be placed on board dated 11/07/2023 as directed earlier. Till then, there shall be ad-interim stay for proceeding with the suit, except for deciding the application below Ex.5 preferred by the Plaintiff.
- (iii) All contentions of both the parties are specifically left open.
- (iv) With this modification in the order dated 17/03/2023, the Interim Application stands disposed of.

(SARANG V. KOTWAL, J.)