

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

**COMMERCIAL APPEAL FROM ORDER NO. 7 OF 2023
WITH
INTERIM APPLICATION NO. 7778 OF 2023
IN
COMMERCIAL APPEAL FROM ORDER NO. 7 OF 2023**

Sachi Molding Solutions Pvt. Ltd. and Another ... Appellants

versus

Rasikbhai Gokalbhai Bhalodi ... Respondent

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Mr.Zubin Behramkamddin, Senior Advocate with Ms.Vidya Nair and Mr. Dhaval A. Patil i/b. K. Ashar and Co. for the Appellants.

Mr. Shanay Shah with Ms. Parisha Shah and Mr.Rasesh Shah i/b. Ms. Anju Kanda for the Respondent.

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**CORAM : NITIN JAMDAR, ACJ &
ARIF S. DOCTOR, J.**

DATE : 27 JUNE 2023

P.C.:

Heard the learned Counsel for the parties. The Appeal is admitted and taken up for disposal by consent.

2. The Appellants, who are the Original Defendants in Commercial Suit No. 11 of 2021 filed by the Respondent/ Original Plaintiff in the Court of Civil Judge Senior Division, Dadra & Nagar

Haveli, Silvassa, are before us in the Appeal challenging the order dated 5 January 2023 passed below Exhibit 5 in the said Suit.

3. The learned Senior Advocate for the Appellants submitted that the Appellants are prejudiced because the impugned order grants Respondent something more than what he would finally get if the Suit is decreed. The learned Senior Advocate, on instructions, states that the Appellants are ready to submit their share to a decree as prayed for by the Respondent/ Original Plaintiff and he will approach the learned Civil Judge Senior Division, Dadra & Nagar Haveli, Silvassa with that prayer.

4. That being the position, we dispose of the Appeal granting liberty to the Appellants to apply to the learned Civil Judge Senior Division, Dadra & Nagar Haveli, Silvassa to proceed to submit to the decree. The learned Civil Judge will pass necessary orders within a period of two weeks from the date the application is made by the Appellants.

5. It is informed that the Appellants have filed a revision application from rejection of its application under Order VII Rule 11 of the Code of Civil Procedure, 1908 and there is an interim order passed restraining further proceedings in the Suit. The learned Senior Advocate for the Appellants states that necessary steps

regarding pending revision application would be taken.

6. The Appeal is disposed of as above.

7. In view of disposal of the Appeal, pending Interim Application stands disposed of.

ARIF S. DOCTOR

ACTING CHIEF JUSTICE