

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 76 OF 2021**

Vina Arvindlal Siswawala (deceased) ... Plaintiff

vs.

Bhounik Co-operative Housing Society Limited & anr. ... Defendants

**WITH
INTERIM APPLICATION (LODGING) NO. 41333 OF 2022**

**WITH
INTERIM APPLICATION NO. 972 OF 2023**

**WITH
INTERIM APPLICATION NO. 1636 OF 2021**

**WITH
INTERIM APPLICATION NO. 1635 OF 2021**

**WITH
INTERIM APPLICATION NO. 1637 OF 2021**

**WITH
INTERIM APPLICATION NO. 3350 OF 2021**

**WITH
INTERIM APPLICATION NO. 3349 OF 2021**

**WITH
INTERIM APPLICATION NO. 2400 OF 2021**

**WITH
INTERIM APPLICATION NO. 1634 OF 2021**

ALONGWITH

CHAMBER SUMMONS NO. 270 OF 2017

**WITH
NOTICE OF MOTION NO. 325 OF 2017**

**WITH
CHAMBER SUMMONS NO. 656 OF 2019**

**WITH
NOTICE OF MOTION NO. 2531 OF 2016**

**WITH
NOTICE OF MOTION NO. 2376 OF 2016**

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WITH
NOTICE OF MOTION NO. 1927 OF 2015
WITH
NOTICE OF MOTION NO. 2164 OF 2018
IN
SUIT NO. 181 OF 2011
ALONGWITH
SUIT NO. 1190 OF 2019
WITH
APPEAL (LODGING) NO. 35430 OF 2022
WITH
APPEAL (LODGING) NO. 35322 OF 2022
IN
INTERIM APPLICATION (LODGING) NO. 25993 OF 2022
WITH
NOTICE OF MOTION NO. 2179 OF 2019
WITH
INTERIM APPLICATION NO. 964 OF 2023
WITH
INTERIM APPLICATION (LODGING) NO. 36778 OF 2022
WITH
INTERIM APPLICATION (LODGING) NO. 31796 OF 2022
WITH
INTERIM APPLICATION (LODGING) NO. 25477 OF 2022
WITH
NOTICE OF MOTION NO. 93 OF 2019
IN
CHAMBER SUMMONS NO. 527 OF 2013

Mr. Gaurav Mehta a/w. Ms. Shamima Taly, Mr. Aziz Mohd, Ms. Sehyr Taly, Ms. Malika Mondal, i/by. S. Mahomedbhai & Co. for plaintiffs in S/1190/19 and defendant Nos.1 and 2 in S/76/21 and for respondent Nos.1 and 2 in APPL/35340/22 & 35322/22.

Mr. Yogendra Rajgor & Mr. Devang Parmar for defendant Nos.6 and 16 in S/1190/19.

Mr. Yogendra Rajgor, i/by. Legal Chartered for plaintiffs in S/76/21 and defendant Nos.1 to 3 and 9 to 11 in S/1190/19.

CORAM : MANISH PITALE, J

DATE : 13th JUNE, 2023

P.C. :

. In Suit No.76/2021, various applications are pending. It is brought to the notice of this Court that Interim Application No.1636/2021 was already disposed of by City Civil Court, before the matter was transferred to this Court and an Appeal from Order bearing No.122/2021 is pending against the said order before this Court. In that light, Interim Application No.1636/2021 is disposed of.

2. Learned counsel for the parties jointly submit that in view of subsequent development of the defendants having handed over possession of the flats and all the buildings having been demolished, Interim Application No.1635/2021 and Interim Application (Lodging) No.41333/2022 are rendered infructuous. Hence, the said two applications are disposed of as infructuous.

3. In Interim Application No.3349/2021 and Interim Application No.972/2023, the defendants are granted time of three weeks to file reply affidavit.

4. List Interim Application No.3349/2021, Interim Application No.1634/2021, Interim Application No.3350/2021, Interim Application No.1637/2021, Interim Application No.2400/2021 and Interim Application No.972/2023 for further consideration on 18.07.2023.

5. Similarly, there are various applications pending in Suit No.1190/2019. Interim Application (Lodging) No. 25477/2022 is disposed of, as it stood withdrawn, as recorded in order dated 10.08.2022.

6. Interim Application (Lodging) No.25993/2022 was dismissed by an order dated 06.10.2022, yet it is being shown in the cause list. Office to take note of this fact and to ensure that this application is no longer shown in the cause list for hearing.

7. The plaintiffs are granted time of three weeks to file reply affidavit in Interim Application No.964/2023 and Interim Application (Lodging) No.31796/2022 as also rejoinder affidavit in Interim Application (Lodging) No.36778/2022.

8. List Notice of Motion No.2179/2019 alongwith Interim Application No.964/2023, Interim Application (Lodging) No.31796/2022 and Interim Application (Lodging) No.36778/2022 for further consideration on 18.07.2023.

9. It appears that Suit No.181/2011 has been wrongly tagged alongwith these two suits. Hence, Suit No.181/2011 is de-tagged, to be listed separately before the appropriate Court.

10. Learned counsel appearing for the plaintiffs in Suit No.76/2021 submits that by an administrative order, an Appeal from Order No.122/2021 has been directed to be listed alongwith these two suits. Office to verify and take steps accordingly.

(MANISH PITALE, J)

Priya Kambli