

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2023.10.04
09:34:28 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2033 OF 2021
IN
SUIT NO. 777 OF 2016**

Ameya Developers ...Applicants

In the matter between

A. H. Wadia Charitable Trust and Ors. ...Plaintiffs

vs.

Vishwa Smruti Co-Op. Housing
Society Ltd., and Anr. ...Defendants

Mr.Pradip Kadam - Advocate for Applicants.
Mr.Mohammed Naved I. Mulla i/b. L R and Associates -
Advocate for Original Plaintiffs - A. H. Wadia Trust.

CORAM : S. M. MODAK, J.
DATE : 29th SEPTEMBER 2023

P. C. :-

1. Heard learned Advocate for the Applicant who is Purchaser as per the deed of conveyance dated 28th July, 2021 executed with the Plaintiff-Trust. In view of that, Applicant wants substitution in the interest of the Plaintiff. It is consented by learned Advocate on behalf of Plaintiff.

2. Defendant No.2 is the original Lessee of the land and she has constructed a building and Defendant No.1 is Society

formed by Purchasers of units from that building. The said building is demolished by the present Applicant and there is also MOU executed with the Society. After substitution, even the new Plaintiff wants to withdraw the Suit. It is consented on behalf of present Plaintiff. No one is present on behalf of Defendants. It is submitted that as they have consented for the redevelopment, they have nothing to say in the present Suit.

3. In view of the above, this Interim Application is allowed in terms of prayer clause (a). Let the name of the present Applicant be substituted in place of the Plaintiff Trust. Amendment be carried out forthwith.

4. The newly substituted Plaintiff has entered into the MOU with the Society - Defendant No.1 and hence, now they do not want to prosecute the Suit. The Suit is disposed of as withdrawn.

5. Refund of Court Fees as per the Rules.

6. Interim Application stands disposed of.

[S. M. MODAK, J.]