

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.22287 OF 2024

Shree Narayan Logitech LLP and Ors.

.. Petitioners

Versus

Kasane Opal Pvt. Ltd. and Anr.

.. Respondents

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- Mr. Nikhil S. Rajeshirke i./by Mr. Kunal Rane, Advocates for Petitioners
- Mr. Rashmin Khandekar a/w. Ms. Shalaka Patil and Mr. Ankit Pathak i./by Trilegal, Advocates for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 09, 2024

P.C.:

1. Heard Mr. Rajeshirke, learned Advocate for Petitioners and Mr. Khandekar, learned Advocate for Respondents.

2. In the order dated 06.08.2024 following paragraph be added as paragraph No.8 after paragraph No.7. These were the submissions made by Mr. Khandekar which have remained to be noted while passing the order:-

“8. According to Mr. Khandekar, the submission advanced by the Petitioners is incorrect since it is the Plaintiffs who had raised for an order of status-quo against the Defendants in the Suit proceedings before the Trial Court because of an apprehension that the Defendants would create third party rights and it was on that basis the status-quo order dated 29.07.2024 was passed. He would next submit that the submission relating to the Trial Court holding that the Suit will have to be transferred to the Commercial Court at Thane has not been passed or even noted in the order dated 29.07.2024 and therefore the submission of the Defendants – Petitioners herein cannot be accepted.”

3. After carrying out the above addition, fresh copy of order dated 06.08.2024 shall be uploaded. Paragraph Nos.8 and 9 in the above order shall be renumbered as paragraph Nos.9 and 10. The rest of the order shall remain as it is.

4. However it is clarified that submissions made either by Petitioners or Respondents who are parties before Trial Court are only noted in this order and no imprimatur or opinion is given on pending Application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short '**CPC**') before the Trial Court.

5. Trial Court is directed to decide Application under Order VII Rule 11 of CPC strictly on merits after hearing both sides. The time for filing Affidavit-in-Reply in the Application before Trial Court granted in the order dated 06.08.2024 stands extended by a further period of one week beyond 17.08.2024. Affidavit-in-Rejoinder may be filed within a period of one week thereafter. The learned Trial Court is directed to decide the Application under Order VII Rule 11 of CPC as expeditiously as possible and in any event within a period of four weeks thereafter.

6. This order be read alongwith order dated 06.08.2024.

7. With the above directions, praecipe is disposed.