

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13618 OF 2024

SATISH
RAMCHANDRA
SANGAR

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.11.12
18:02:26 +0530

Imaan Ashfaque Saudagar

Age : 28 Years, Occupation : Nil,
Indian Inhabitant, Permanently
Residing at : Flat No.601, 6th Floor,
New Greenfield Apartment, Almeida
Park, Bandra (W), Mumbai : 400 050.

**...Petitioner
(Original Plaintiff)**

Versus

1. **Bilquis M Kadari**

Age : 69 Years, Occupation : Business,
Inhabitant, Having Office at:-
71/A, Fatima Lodge, Perry Cross Road,
Bandra (W), Mumbai : 400 050.

2. **Faheed M Kadari**

Age : 39 Years, Occupation : Business,
Indian Inhabitant, Having Office at:-
71/A, Fatima Lodge, Perry Cross Road,
Bandra (W), Mumbai : 400 050.
(Presently in Taloja Jail).

3. **M/s. Gul Dream House LLP**

(A limited liability partnership firm
incorporated under LLP Act, 2008)
Having its Office at H. No.137/O,
Vanjarpati Naka, Millat Nagar,
Bhiwandi : 421 302.

**...Respondents
(Original Defendants)**

Mr.Pradyumna D. Sharma a/w Mr.Randhirkumar N. Mandal, Mr.Vinod A. Gupta:-	Advocates for Petitioner.
Mr.Jagdish Nagar:-	Advocate for Respondent No.1.

Ms.Kavisha Shah i/b. India Law Alliance:-	Advocate for Respondent No.3.
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CORAM : S. M. MODAK, J.

DATE : 11th NOVEMBER 2024P. C. :-

1. Heard learned Advocate for the Petitioner-Plaintiff and learned Advocate for Respondent No.1 – owner and learned Advocate for Respondent No.3 – developer.
2. There is a Suit filed for complying obligation as per the MoU. During the pendency of the Suit, there is a Notice of Motion filed by the Plaintiff. My attention is invited to the prayers made therein on Page No.269.
3. The matter was listed there before the trial Court on 18th July 2024. Copy is there on Page No.282. It was adjourned as the replies from the Defendants side were not filed.
4. Thereafter, the Suit and Motions were fixed before the trial Court. Today, it is submitted that the Respondent No.1 has already filed reply to the Notice of Motion. The Respondent No.3 has not filed reply but they undertake to file it within one (1) week from today. If, the Plaintiff-Petitioner wants, they can file rejoinder also.

5. There are two Notice of Motions filed by Respondent No.1. The Plaintiff has not file reply to those Motions. He is at liberty to file reply.

6. It is seriously contended as to how, an ad-interim relief has to be granted against the Defendants. Accordingly, learned Advocate for the Respondents-Defendants on facts it can't be granted and even, stage for deciding whether to grant ad-interim relief or not has not arrived as the pleadings are not over. There is also an objection about maintainability of the Writ Petition.

7. Considering the facts and circumstances, this Court does not feel it proper to make any comment about the merits of the matter and **it is desirable in the interest of all the parties that the trial Court to decide the Notice of Motion of the Plaintiff as early as possible.** Let, all the parties to complete their pleadings in any eventuality within two (2) weeks from today. Then, the trial Court to decide the Plaintiff's Notice of Motion as early as possible. **The trial Court is at liberty to take a call about hearing of Notice of Motion by the Respondents.**

8. In view of these observations, **Writ Petition is disposed of.**

[S. M. MODAK, J.]