

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

**APPEAL FROM ORDER NO. 561 OF 2024
WITH
INTERIM APPLICATION NO. 11132 OF 2024**

M/s. Padmavati Developers
Versus
Navnath Hender Ture And Ors

...Appellant
...Respondents

Mr Rohaan Cama a/w. Mr. Kyrus Modi, Adv. Masira Shaikh i/b. DSK legal for the Appellant
Mr. Rashmin Khandekar i/b. Mr. Kaustubh Thipsay for the Respondent No. 1
Mr. Mayur Khandeparkar a/w. Mr. Parth Jasani and Ms Unnati Gala i/b. Purnanand And Co for the Respondent No. 28
Mr. Rohit Sakhadeo (through VC) a/w. Mr. Nitesh Rangari for the Respondent No. 29.
Mr. Atul Savla, representative of the Appellate present.

CORAM : M. M. SATHAYE, J.

DATED : 2nd DECEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellant and learned Counsel for the Respondent Nos. 1, 28 and 29.
2. After hearing the matter for sometime, learned Counsel for the Appellant, on instructions from the representative of the Appellant, who is present in the Court, seeks leave to withdraw the Appeal from Order with a request that the Motion itself be heard expeditiously.
3. Learned Counsel for the Respondent No. 1 informs the Court that the Application under the provisions of Order 7 Rule 11 of the Code of Civil

Procedure, praying for rejection of the Plaint, is also pending in the Trial Court.

4. The parties are at ad-interim stage and any observation made by this Court during the exercise of considering validity of the impugned Order, may affect either parties prejudicially.

5. In light thereof, request of the Appellant is accepted. The Appeal from Order and the pending Interim Application are disposed of by passing following order.

(a) The impugned order is not interfered with.

(b) The Trial Court is directed to decide the Application Exhibit-5 filed by the Appellant as well as the Application Exhibit-32 filed by the Defendant under order 7 Rule 11 of the Code of Civil Procedure, as expeditiously as possible and preferably within a period of 3 months from today, .

(c) The said Applications will be decided on its own merits in accordance with law, without being influenced by the observations as well as rejection under the impugned order.

(d) All the rival contentions of the parties are kept open.

(M. M. SATHAYE, J.)