

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

**INTERIM APPLICATION (L) NO.281 OF 2024
IN
APPEAL (L) NO.276 OF 2024
IN
SUMMONS FOR JUDGMENT NO.13 OF 2023
IN
SUMMARY SUIT NO.7 OF 2023
WITH
APPEAL (L) NO.276 OF 2024**

Skylink Hospitality LLP and anr. : Applicants/Appellants.

Vs.

Shahrukh Adi Khan and ors. : Respondents.

**WITH
SUMMARY SUIT NO. 7 OF 2023 (NOB)**

Shahrukh Adi Khan and anr. : Plaintiffs

Vs.

Skylink Hospitality LLP and ors. : Defendants.

Mr. Karl Tamboly a/w Hrushi Narvekar, Samit Shukla, Saakshi Saboo and Rohaan Pajnigar i/by DSK Legal for the Applicants/Appellants.

Mr. Pramod Bhosale i/by Devika Nigade for the Respondent Nos. 1 and 2.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 19th JANUARY, 2024

P.C. :

1 On the last occasion the matter was stood over today to enable the learned counsel appearing on behalf of the Respondent Nos.1 and 2 – Original Plaintiffs to take instructions on the issue of maintainability of the captioned Suit.

2. Today Mr. Bhosale appears for Respondent Nos.1 and 2 – Original Plaintiffs and seeks leave to withdraw the captioned Suit with liberty to file appropriate proceedings before the Maharashtra Real Estate Regulatory Authority (“RERA”). He requests that since the captioned Suit is being withdrawn, this Court may grant a refund of court fees. He also requests that a directions to be passed for RERA to expedite the hearing of the Application to be made by the Respondent Nos. 1 and 2 - Original Plaintiffs.

3. Mr.Tamboly, the learned counsel appearing on behalf of the Applicants/Appellants, has no objection to this course of conduct. He, however, submits that the RERA has a fixed time-

line and schedule for hearing of the matters and thus, the same can be adverted to in the present case.

4. Having heard the learned counsel for the parties, we pass the following order :-

:ORDER:

- (i) Respondent Nos.1 and 2 – Original Plaintiffs are permitted to withdraw the captioned Suit by virtue of this order and the same stands dismissed as withdrawn.
- (ii) Respondent Nos. 1 and 2 – Original Plaintiffs are permitted a refund of court fees which shall be as per Rules.
- (iii) In the event, an application is filed by Respondent Nos.1 and 2 – Original Plaintiffs before the RERA within a period of two weeks from the date on which this order is uploaded, then in that case the RERA is

requested to dispose of the same as expeditiously as possible preferably within a period of three months from the date of filing of the same subject to however exigencies of the board of RERA.

(iv) We make it clear that withdrawal of the Suit shall not in any manner come in the way of Respondent Nos.1 and 2 – Original Plaintiffs in the application to be filed before RERA which shall be heard and decided on its own merits.

(v) The captioned Appeal is accordingly disposed of in the above terms.

(vi) In view of disposal of the Appeal, the Interim Application does not survive and the same is also disposed of accordingly.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)