

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

**INTERIM APPLICATION NO. 123 OF 2024
IN
SUIT NO. 617 OF 2023**

**Mount Nirmala Cooperative Housing Society Ltd. ...Applicant/Plaintiff
V/s.**

Bishop John Rodrigues and Anr.

...Defendants

Mr. Karl Tamboli with Ms. Shivani Bhandary and Ms. Kashmita Belwalkar i/b Solomon & Co. for Plaintiff/Applicant.

Ms. Ayushi Gohil with Mr. Umair Merchant i/b M. T. Miskita & Co. for the Respondent No.1.

**CORAM : ABHAY AHUJA, J.
DATE : 4th DECEMBER, 2024**

PC. :

1. Mentioned. Not on Board.
2. This matter has been mentioned as the Bench of the Hon'ble Shri Justice Firdosh P. Pooniwalla, has stated not before him.
3. Mr. Tamboli, learned Counsel appears for the Plaintiff and submits that the Defendant No.1 is in the process of redeveloping the land on which 7 societies are situate and the Plaintiffs are 5 of those societies. Mr. Tamboli submits that his clients apprehend that the FSI of the land on which these societies are situate would be illegally used by the Defendant No.1 and that therefore, this Court list the matter so that interim protection can be granted.

4. Ms. Gohil, learned Counsel appears for the Defendant No.1 and submits that in fact there is an application by the Defendant No.1 with the Charity Commissioner under Section 36 of the Maharashtra Public Trusts Act for permission and that Mr. Seervai, learned Senior Counsel is leading in the matter, therefore, this matter be placed after the 7th January, 2025. Ms. Gohil also submits that in the said Application before the Charity Commissioner, the Plaintiff has also filed an intervention.

5. Mr. Tamboli submits that if that be the case, this Court can list the matter any time after 7th January, 2025.

6. In view of the aforesaid submissions, as it does not appear that the Defendant No.1 would immediately be entering into development work, accordingly list on **8th January, 2025** under the caption “For Ad-Interim”.

(ABHAY AHUJA, J.)