

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

COMMERCIAL SUMMARY SUIT NO. 47 OF 2023

EKTA HOUSING PRIVATE LIMITED)...PLAINTIFF

V/s.

SHRADHA SHELTERS PRIVATE LIMITED)...DEFENDANT

WITH
INTERIM APPLICATION NO. 920 OF 2024
WITH
INTERIM APPLICATION (L) NO. 2333 OF 2024
WITH
SUMMONS FOR JUDGMENT NO. 4 OF 2024
WITH
INTERIM APPLICATION (L) NO. 21357 OF 2023
IN
COMMERCIAL SUMMARY SUIT NO. 47 OF 2023

Mr.Zal Andhyarujina, Senior Advocate a/w. Jenil Shah i/by Ganesh and Co., Advocate for the Plaintiff.

Mr.Gaurav Joshi, Senior Advocate a/w. Ms.Pooja Kshirsagar, Mr.Laxman Jain and Ms.Tanisha Choudhary, Advocate for the Defendant No.1.

Mr.Chetan Kapadia, Senior Advocate a/w. Mr.Yash Momaya, Mr.Krishkumar A. Jain, Mr.Kalpesh A. Bandre i/by Mr.Ritesh K.Jain, Advocate for the Defendants No.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 12th JUNE 2024

PC. :

INTERIM APPLICATION NO. 920 OF 2024
AND
INTERIM APPLICATION (L) NO. 2333 OF 2024

1. These Interim Applications seek rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, on the ground

that the Plaintiff has failed to comply with the mandatory provisions of pre-institution mediation contained in Section 12A of the Commercial Courts Act, 2015.

2. Mr.Joshi, learned Senior Counsel and Mr.Kapadia, learned Senior Counsel for the Applicants in both these applications have concluded their arguments.

3. For Mr.Andhyarujina, learned Senior Counsel for the Plaintiff / Respondent in these applications, to reply, list on **3rd July 2024 at 2.30 p.m.**

(ABHAY AHUJA, J.)