

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

INTERIM APPLICATION NO. 1995 OF 2024

IN

SUIT NO. 121 OF 2017

Shree Gurudutta Police Cooperative
Housing Society Ltd.

... Applicant

In the matter between :

Leena Gupta and others

... Plaintiffs

Versus

Saga Infra Projects Pvt. Ltd. and another

... Defendants

WITH

NOTICE OF MOTION NO. 382 OF 2017

IN

SUIT NO. 121 OF 2017

Ms. Padmashri K. instructed Lakshmi Murali and Associates, Advocate for the Plaintiffs.

Mr. Aseem Naphade alongwith Mr. Samar Wangale and Mr. Omar Khaiyam Shaikh, Advocate for the Defendant No.15.

CORAM : ABHAY AHUJA, J.
DATE : 2 SEPTEMBER, 2024

PC. :

1. Today, when the matter is called out, Ms. Padmashri K. appears for the Plaintiffs and seeks time in the matter.

2. Mr. Naphade appears for the Defendant No.15 and submits that as directed earlier an additional Affidavit has been filed on behalf of the said Defendant and that Notice of Motion as been expedited by

order dated 31st August 2021 be heard. Mr. Naphade also submits that the issue raised in the Notice of Motion has been squarely covered by three Judgments of this Court and the same can be heard and disposed of.

3. Mr. Naphade also submits that since Defendant No.1 is undergoing liquidation, an application has been filed by the Plaintiffs under Section 446 of the Companies Act, 1956 to continue this litigation.

4. Upon a query to the learned Counsel appearing for the Plaintiffs as to the date when the said Application is listed, the learned Counsel submits that she is not aware as to when the said Application is listed. Mr. Naphade submits that until the said Application is heard in view of the earlier decision of this Court, neither the Suit nor the Notice of Motion can be heard until the said Application under Section 446 of the Companies Act is allowed.

5. Be that as it may, list the Notice of Motion, as and by way of last chance, on **9th October 2024**. It is made clear that either of the parties are not ready to go on with the Notice of Motion, this Court will consider dismissing the Notice of Motion.

(ABHAY AHUJA, J.)