

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3878 OF 2025

Nuzhat Akhter Qutubuddin Shamsi

...Petitioner

Versus

Indrayani Estates Developers Pvt. Ltd. & Ors.

...Respondents

WITH
INTERIM APPLICATION (ST) NO.5755 OF 2025
IN
WRIT PETITION NO.3878 OF 2025

Nuzhat Akhter Qutubuddin Shamsi

...Applicant

Versus

Indrayani Estates Developers Pvt. Ltd. & Ors.

...Respondents

Mr. Praful S. Pawar i/b Sachin R. Gelye, for the Petitioner.

Mr. R. H. Mirza i/b Kaushal Thakker, for Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.
DATED: 17 MARCH 2025

P.C.:

1. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the Order dated 22nd October 2024 passed by the learned Judge, Small Causes Court at Mumbai below Exhibit - 145 in RAE Suit No.660/990 of 2010 as well as to the Order dated 24th January 2025 passed by the learned Appellate Bench of the Small Causes Court at Mumbai in Revision Application No.4 of

2025.

2. By the impugned Order of the learned Trial Court dated 22nd October 2024, the Application taken out by third party i.e. the Petitioner under Order 1 Rule 10 of the *Code of Civil Procedure, 1908*, is rejected. The challenge to the same by Revision is also rejected by the impugned Order dated 24th January 2025.

3. Learned Counsel appearing for the Respondent No.1 i.e. Original Plaintiff, states that by Judgment and Decree dated 17th March 2025 the said RAE Suit No.660/990 of 2010 is decreed. He submits that therefore the Writ Petition has become infructuous.

4. Accordingly, the Writ Petition has become infructuous and disposed of as such.

5. However, it is clarified that the Petitioner can take appropriate steps as available in accordance with law to challenge the impugned Orders.

6. It is further clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

7. As the Writ Petition is disposed of, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]