

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5065 OF 2025

Ruturang Developers LLP Through Its Authorized Partner ..Petitioner

Versus

State of Maharashtra Through Government Pleader & Ors ...Respondents

Mr. A.A. Anturkar, Senior Advocate, with Ms Minal Chandnani, for the Petitioner.

Ms. Kavita N. Solunke, AGP, for Respondent No.1-State.

CORAM: N. J. JAMADAR, J.

DATED : 21st APRIL 2025

P.C.:

1. The Petitioner is aggrieved by the conduct of the proceedings MCA No. 130 of 2025.

2. In SCS No. 1637 of 2024, by an order dated 26th March 2025, the Petitioner-Defendant has been restrained from carrying out further development over the suit property.

3. Aggrieved by the said order dated 26th March 2025, the Petitioner has preferred an Appeal before the District Court. The Petitioner preferred an Application for stay to the order passed by the trial Court. On 8th April 2025 the said Appeal was ordered to be posted on 16th April

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2025. On 16th April 2025, the matter has again adjourned to 30th April 2025.

4. Mr. Anturkar, the learned Senior Advocate, for the Petitioner submits that the development of the suit property has reached an advanced stage. The Petitioner has entered into agreements to sell the units in the proposed building, being constructed at suit site, with more than 200 purchasers. In these circumstances, the Petitioner's Application for stay of the order impugned in the Appeal ought to have been heard by the Appellate Court. Instead, the Appellate Court has deferred the hearing of the Application for stay.

5. Mr. Anturkar also invited attention of the Court to the nature of the order passed by the Trial Court.

6. However, since the Appeal is sub-judice before the District Court, any observations by this Court on the order passed by the Trial Court may affect the decision of the Appeal. Therefore, without entering to the merits of the matter, even ex-facie, this Court considers it appropriate to direct the learned District Judge seized with MCA No. 130 of 2025 to hear and decide the Application for stay in MCA No. 130 of 2025 on 30th April 2025 and if it is not possible to finally hear and decide the stay Application, consider the prayer of the Petitioner-Applicant for ad-interim relief and pass appropriate orders, in accordance with law.

7. Subject to the aforesaid directions, Petition stands disposed.

[N. J. JAMADAR, J.]