



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12185 OF 2025**

Shivam Rajesh Singh ... Petitioner
versus
Kesley Bldg. No.2 Co-op. Hsg. Soc. Ltd.
and Anr. ... Respondents

WITH
WRIT PETITION NO.12186 OF 2025

Rajesh Singh and Anr. ... Petitioners
versus
Kesley Bldg. No.2 Co-op. Hsg. Soc. Ltd.
and Anr. ... Respondents

WITH
WRIT PETITION NO.12187 OF 2025

Rajesh Singh and Anr. ... Petitioners
versus
Kesley Bldg. No.2 Co-op. Hsg. Soc. Ltd.
and Anr. ... Respondents

Mr. Vishwajeet Kapse i/by Mr. Rahul Singh, Mr. Iftekhhar Sayed, Mr. Ashish Singh, Ms. Pallavi Singh, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 24 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. A limited prayer in the Petitions is to direct the City Civil Court to expeditiously hear the Notices of Motion Nos.512 of 2025 in S.C.Suit No.219 of 2025; 510 of 2025 in S.C.Suit No.217 of 2025; and 511 of 2025 in S.C.Suit No.218 of 2025 pending before the City Civil Court, Borivali Division, Mumbai.

3. The Petitioners have approached the Court as the Notices of Motion taken out by the Petitioners for grant of interim reliefs have not been heard purportedly for the reason that the Respondents-Defendants filed applications for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908.

4. By an order dated 19 April 2025, the first Notice of Motion No.824 of 2025 in S.C.Suit No.219 of 2024 was for rejection of the plaint under the provisions of Order VII Rule 11(1)(d) of the Code, came to be dismissed by the learned Judge, City Civil Court. In the companion suits also, Notices of Motion for the rejection of the plaint came to be rejected.

5. Thereafter, the Respondent No.1 has taken out another Notice of Motion No.2245 of 2025 purportedly under the provisions of Order VII Rule 11(b) of the Code on the ground that the suit claim is under valued and the Plaintiffs have not paid appropriate court fees. Similar Notices of Motion were taken out in the companion suits also.

6. Roznama of the record of proceedings dated 28 August 2025 indicates that the said Notices of Motion were heard and adjourned for orders to 25 November 2025.

7. The grievance of the Petitioners is that the Petitioners would suffer prejudice if the Notices of Motion taken out by the Petitioners for grant of temporary injunction are not heard by the learned Judge, City Civil Court till

the passing of the order in second set of Notices of Motion for rejection of the plaint.

8. It does not appear that any specific order deferring the hearing of the said Notices of Motion, taken out by the Plaintiffs, till the decision in Notices of Motion No.2245 of 2025 and identical Notices of Motion in the companion suits, is passed.

9. In these circumstances, the Court considers it to be expedient in the interest of justice that the Notices of Motion taken out by the Plaintiffs in the respective suits seeking interim reliefs are listed before the City Civil Court and the Court passes appropriate order in regard to the hearing of those Notices of Motion. If the Court declines to hear the said Notices of Motion, the Petitioners will have their remedies.

10. Hence, without issuing notices to the Respondents, this Court considers it appropriate to dispose of the Petitions with a request to the learned Judge, City Civil Court, to list the Notices of Motion taken out by the Plaintiffs for temporary injunction before the Court on 1 October 2025 and pass appropriate orders in regard to the hearing of those Notices of Motion.

11. The Writ Petition accordingly stand disposed.

(N.J.JAMADAR, J.)