

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 618 OF 2025
WITH
INTERIM APPLICATION NO. 13273 OF 2025

Dr. Prashant Vishnu Sawant

Appellant

.. (Org. Plaintiff)

Versus

Vasant Sagar Krishna Kaveri CHS Ltd

Respondent

.. (Org. Defendant)

.....

- Mr. Anand Mishra a/w Mr. Siddharth Singh, Mr. Amit Dubey & Mr. Aahawa Shrivastava i/by Mr. Ashok M. Saraogi, Advocates for Appellant

.....

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 24, 2025

P. C.:

1. Heard Mr. Mishra, learned Advocate for Appellant.
2. Present Appeal from Order (AO) challenges and assails the order dated 07.10.2025 which decides the Notice of Motion filed by Appellant (Org. Plaintiff) in the Suit proceedings before the Trial Court. Suit was instituted in the year 2015 by Plaintiff seeking permanent injunction against the Society from taking any action in respect of Plaintiff using the flat premises for the purpose of polyclinic.
3. According to Mr. Mishra, Plaintiff is the Doctor by profession and practicing as General Physician. He would submit that suit flat was purchased in the year 2000 by registered sale deed from the

Developer. According to the averments made in the AO, suit flat is situated on the ground floor of the Respondent - Society building. He would submit that since inception it was used by Plaintiff as his polyclinic. Respondent Society was formed on 27.05.2003. From that date till 2015 no objection was taken by Respondent Society though Mr. Mishra in his usual fairness informs the Court that certain notices were issued.

4. Be that as it may Plaintiff was compelled to move the City Civil Court in 2015 seeking injunction in view of the objections raised by Respondent Society. Plaintiff was protected by interim order since 2015 until 07.10.2025 when the Notice of Motion was dismissed. Interim order was not continued thereafter. Mr. Mishra informs the Court that Respondent Society has been served.

5. Issue notice to the Respondent made returnable on 18.12.2025. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

6. Respondent Society is directed to remain present either through their authorized representative or their pleader on the next adjourned date and file affidavit in reply, if any.

7. Considering the above facts, the interim order which was continued till 2015 is directed to be continued until the present Petition is heard for admission by this Court.

8. Stand over to **18th December, 2025.**

Amberkar

[MILIND N. JADHAV, J.]

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