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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 102 OF 2025
WITH
INTERIM APPLICATION NO. 1759 OF 2025**

Shah Bhuvan Building through ... Appellants/Applicants
through its owners Pet. nos 2 to 4

Vs.

Veer Gurukrupa Premises Co-op ... Respondents
Soc. Ltd. Through its Chairman
Dinesh Mutta and Others

Mr. Mandar Soman a/w. Mr. Smith Colaco i/b. M/s. Mulla & Mulla
and CBE for the Appellants.

Mr. Nikhil Jayakar a/w. Mr. Mayank V i/b. Ms. Smita Sawant for
Respondent No. 1.

Mr. Haresh Talakshi Shah – Appellant No. 2 – present.

Mr. Ruben Chedda – Treasurer, Mr. Dinesh Mutta (Secretary) –
Present (office bearers).

CORAM : GAURI GODSE, J.

DATE : 17th FEBRUARY 2025

ORDER :

1. By consent appeal is taken up for final disposal. Since the appellants are pressing ad-interim relief against respondent no. 1, notice to other respondents is not necessary.

2. This appeal is preferred by the plaintiffs' to challenge refusal of the ad-interim relief. Learned counsel for the appellants submits that there is an apprehension that defendant no. 1 – society shall create third party rights over and above the area of 951 sq.mts. He submits that according to the plaintiffs, defendant no.1 –society would be entitled to only 951 sq.mts.

3. Learned counsel for defendant no. 1 -society on instructions of Mr. Dinesh Mutta (Secretary) and other office bearers present in court submits that without prejudice to the rights and contentions of defendant no.1-society no third party rights shall be created in respect of the suit property over and above 951 sq.mts till the decision of the notice of motion. He submits that defendant no. 1 shall not take further steps pursuant to the name of defendant no. 1 being entered in the property card.

4. In view of the statement made on behalf of defendant no. 1, no further consideration would be necessary in the appeal at this stage. Notice of motion is still pending in the suit, hence, in view of the statement made on behalf of defendant no. 1, learned counsel for the appellants seeks leave to withdraw the appeal with liberty to agitate all the grievances in the pending notice of motion. In view of the statement made on behalf of defendant no. 1, appellant is

permitted to withdraw the appeal.

5. It is clarified that all rival contentions of the parties on merits are kept open. Appeal is disposed of as withdrawn by recording aforesaid statement made on behalf of respondent no. 1.

6. In view of disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]