

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 8028 OF 2025
WITH
INTERIM APPLICATION NO. 8584 OF 2025
WITH
INTERIM APPLICATION NO. 7112 OF 2025

Gurpreet Singh Alagh

...Appellant/
Applicant

Versus

Housing Development Finance Corporation Bank ...Respondents
Ltd. (HDFC Bank Ltd) And Ors.

Mr. Gurpreet Singh Alagh, Appellant-in-person present.
Mr. Vishal Tambat a/w Chaitali Bhogle for Respondent/Bank.

CORAM : M.M. SATHAYE, J.
DATE : 29th JULY, 2025

P.C. :

1. Heard the Appellant-in-person and learned Counsel for the Respondent/Bank.

2. Interim Application No. 7112 of 2025 is filed for condonation of 16 days delay in filing First Appeal challenging the impugned order dated 06.01.2025 passed by the City Civil Court, Mumbai under which permission is granted to withdraw the suit filed by Respondent/Bank with the costs of Rs.25,000/- to be paid to the present Applicant/Appellant. Under the said order, liberty is already granted to the Respondent/Bank to file fresh appropriate proceedings as available under law.

3. The Appellant on realizing that the First Appeal will not lie against the impugned order because it is not a decree, has filed Interim Application No. 8584 of 2025 seeking permission to convert the First Appeal into Civil Revision Application under Section 115 of the Code of Civil Procedure, 1908.

4. Learned Counsel for the Respondent/Bank has objected the filing of either appeal or revision application on the ground that the Bank is only permitted to withdraw the suit and costs imposed upon the Bank is already paid and accepted by the present Appellant.

5. Considering the nature of the impugned order, the Interim Application No. 8584 of 2025 is allowed and the Appellant-in-person is permitted to convert the First Appeal into appropriate proceedings in accordance with law as per the advice received by the Appellant.

6. In view of the leave granted above, nothing survives in the Interim Application No. 7112 of 2025 and the same is disposed of.

7. Necessary amendment for conversion of the First Appeal into appropriate proceedings be carried out within a period of 3 weeks from today.

8. Both interim applications disposed of.

(M.M. SATHAYE, J.)