

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3725 OF 2013
IN
FIRST APPEAL NO. 1362 OF 2013**

Mr. Ghisulal S. Rathod (deleted since deceased)
& Anr.Applicants/ Appellants

Versus

M/s. Stonehenge Construction Private
Limited & Ors.Respondents

**WITH
INTERIM APPLICATION NO. 12531 OF 2025
IN
FIRST APPEAL NO. 1361 OF 2013**

Paramratan Co-operative Housing Society Limited
(Proposed Co-Appellant No.5)Applicant

IN THE MATTER BETWEEN

Ghisulal S. Rathod (deleted since deceased)
& Ors.Appellants

Versus

M/s. Stonehenge Construction Private LimitedRespondent

**WITH
CIVIL APPLICATION NO. 3720 OF 2013
IN
FIRST APPEAL NO. 1361 OF 2013**

Ghisulal S. Rathod (deleted since deceased)
& Ors.Applicants/Appellants

Versus

M/s. Stonehenge Construction Private LimitedRespondent

Mr. Piyush Shah a/w. Mr. Dishang Shah a/w. Mr. Kinjal Gogri for Appellant-Society.

V. A. Thorat, Senior Advocate i/by Mr. Sandeep Sharma for Appellant No.1(a) to 1(h) in First Appeal No. 1361/2013.

Mr. Simil Purohit, Senior Counsel, a/w. Mr. Chirag Kamdar, a/w. Mr. Suraj Juneja for Respondent No.1.

Ms. Pallavi Khale a/w. Mr. Pradeep Patil i/by Ms. Komal Punjabi for Respondent No.2-MCGM.

Mr. D. J. Haldankar, AGP Present.

CORAM : JITENDRA JAIN, J.
DATED : 12th NOVEMBER 2025

P. C. :

1. This Application was originally filed by applicant no.1 Mr. Ghisulal Rathod and applicant no.2 Paramratan Co-operative Housing Society Limited. Thereafter, applicant no.1 was deleted pursuant to order dated 10th October, 2022. The original appellant/applicant was deleted on account of his death. Thereafter, legal heirs of appellant no.1 were brought on record vide order dated 10 October 2022. The said action of bringing legal heirs on record was challenged in Interim Application No.166 of 2023 and this Court on 7 February 2023 deleted the addition of legal heirs since original appellant no.1 had filed the appeal in his capacity as a secretary of the society and not in his individual personal capacity. Therefore, the present Civil Application No.3725 of 2013 now stands qua Paramratan Co-operative Housing Society alone. The said Civil Application is filed against Stonehenge Construction Private Limited, Municipal Corporation of Greater Mumbai and the State of Maharashtra.

2. Mr. Shah appearing for the appellant-society and Mr. Purohit, learned senior counsel appearing for respondent no.1 tenders consent terms dated 15th September, 2025 in the present Civil Application. The advocates have identified the parties signing the consent terms.
3. The Civil Application No. 3725 of 2013 is disposed of in terms of consent terms tendered today which are taken on record and same forms a part of the present order. Undertaking given in the consent terms to be treated as undertaking to the Court.
4. It is made clear that the consent terms taken on record in Civil Application No.3725 of 2013 in First Appeal No.1362 of 2013 would not preclude the appellant in First Appeal No. 1361 of 2013 to plead his case, which is pending before this Court and all contentions of the appellant in First Appeal No. 1361 of 2013 are kept open, including the interim relief granted in the said First Appeal No. 1361 of 2013.
5. In view of above, Civil Application No. 3725 of 2013 is disposed of.
6. Mr. Purohit, learned senior counsel for respondent no.1 and Mr. Shah for appellant-society states that interim relief, if any, granted in First Appeal No. 1362 of 2013 stands merged into the consent terms.
7. Any order passed today in the present Civil Application will not amount to adjudication of any Civil Application, Interim Application or the First Appeal in First Appeal No. 1361 of 2013.
8. List the other matters on 08th December, 2025.

[JITENDRA JAIN, J.]