

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

**APPEAL FROM ORDER NO. 523 OF 2025
with
INTERIM APPLICATION NO. 12049 OF 2025
IN
APPEAL FROM ORDER NO. 523 OF 2025**

Agarwal and Associates and Anr. ... Appellants/Applicants

V/s.

Dindoshi Sai-Sadan Co-operative
Housing Society Ltd. ... Respondent

Mr. Ashwinikumar Deore with Ms. Ankita Badgeri for the
Appellants/Applicants
None for the Respondent

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 3RD OCTOBER 2025

P.C. :

1. Matter is mentioned. Not on Board. Taken on Board by way of
praecipe.

2. By a praecipe bearing today's date, the Advocate for the
Appellants has sought listing of the matter. He has referred to an order
dated 1st October 2025 which has recorded that the Advocates appearing for
the parties had informed the learned Single Judge of this Court that the
impugned order is passed in a Commercial Suit and therefore, the challenge

will lie before the Division Bench. The learned Single Judge directed the Department to consider the relief prayed for in the present Appeal from Order and place it before the appropriate Court. Further it was recorded that if required, the Registry shall hear the Advocates for the respective parties.

3. The learned Counsel appearing for the Appellants has sought for time to carry out amendment in the cause title of the matter by replacing the Appeal from Order with Commercial Appeal from Order.

4. This would be subject to the Registry hearing the Advocates for the respective parties and considering the relief sought for in the Appeal from Order.

5. In the event, the Registry considers that the relief sought for in the Appeal from Order is arising from Commercial Suit, the Registry shall allow the Appellants to amend the cause title of the matter by replacing the Appeal from Order with Commercial Appeal from Order.

6. In the event the Registry considers that the matter pertains to this Bench, it shall be placed on 13th October 2025.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

JYOTI
PRAKASH
PAWAR

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