



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1197 OF 2024
IN
SUIT NO.105 OF 2024

Link Tower Co-Operative
Housing Society Limited

...Applicant/Plaintiff

Versus

Girishchandra Purshottamdas Sadh & Ors.

...Defendants

WITH
INTERIM APPLICATION (L) NO.36684 OF 2024
IN
INTERIM APPLICATION (L) NO.23778 OF 2023
IN
SUIT NO.105 OF 2024

Niranjan Cooperative Housing Society Limited

...Applicant
Org. Defendant No.18

IN THE MATTER BETWEEN:

Link Tower Co-Operative
Housing Society Limited

...Plaintiff

Versus

Girishchandra Purshottamdas Sadh & Ors.

...Defendants

Mr. Simil Purohit, Senior Advocate a/w Mr. Yash Momaya, Mr. Vipul Shukla & Ms. Kinjal Kakkad for Plaintiff.

Ms. Vidisha Rohina for Defendant Nos.12 to 14.

Mr. A. R. Bamne a/w Ms. Divya Bamne i/b. M/s. A. R. Bamne & Co. for Defendant No.16.

Mr. Utkarsh Sanadi for Defendant No.17.

Mr. Ryan D'Souza a/w Mr. A. P. Steenson & Mr. Gururaj Bhat i/b. APS Law Associates for Defendant No.18.

Ms. Dikshita Gupte a/w Mr. Vishal Kanade & Mr. S. R. Dubey for Defendant No.19.

Mr. G. O. Giri a/w Mr. Rohit Gaikwad i/b. Ms. Komal Punjabi for Defendant No.20-MCGM.

Ms. Kavita Dhanuka i/b. Dr. Dhruti Kapadia for Defendant No.28-SRA.

Mr. Kalpesh Joshi, Authorized Representative, Chairman of Defendant No.19 present.

CORAM : JITENDRA JAIN, J.

DATE : 18 SEPTEMBER 2025

P.C.:

1. After hearing the learned senior counsel for the plaintiff, the Court is of the view that looking at the facts of the present matter, the dispute raised in the present suit, an attempt will have to be made to resolve the same by defendant no.20-Corporation.

2. Mr. Gaikwad on behalf of Mr. Giri states that Mr. Giri has been briefed for defendant no.20 is in other Court.

3. The learned senior counsel is requested by the Court to apprise Mr. Giri, learned counsel for defendant no.20 about what transpired in the Court and the practical solution which is proposed by the learned senior counsel for the plaintiff. Mr. Giri to then forward the same to the concerned officer of the Corporation and the concerned officer will call meeting of all the societies and after hearing all the societies will give a report to the Court as to what is the practical solution to resolve the dispute which has been agitated in this suit.

4. The above exercise should be completed within a period of eight weeks from today. All the societies including the plaintiff and the Corporation are requested by the Court to come with a practical solution so that the issue can be resolved rather than agitating the same in this Court since keeping this matter pending in this Court would not be of interest to any of the party but on the contrary it would only lead to further proceedings as and when the societies go for re-development.

5. Keeping in mind the above, all the parties to the present suit are requested to cooperate with the positive approach of giving up something in the larger interest rather than litigating for years, the Court expects that the parties would come up with a practical solution.
6. The defendant no.20 is directed that for a period of eight weeks from today not to process any further application with regard to development of the property.
7. The ad-interim relief, if any, granted earlier to continue till the next date of hearing.
8. The report of the BMC should address the following issues:-
 - (i) Whether the suit property is capable of sub-division ?
 - (ii) If the answer is yes, then what is the entitlement of each society ?
 - (ii) If the answer is no, then what would be the entitlement of each society in terms of area/FSI ?
9. Additional affidavit and rejoinder filed by the plaintiff is taken on record.
10. Liberty to the parties to file the pleadings. All the contentions of all the parties are kept open.

[JITENDRA JAIN, J.]