

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

INTERIM APPLICATION NO.1646 OF 2024

IN

SUIT NO.603 OF 2023

Shrinivasa (Mulund) Co-op. Housing Society Ltd. ... Applicant
(Original Plaintiff)

In the matter between.

Shrinivasa (Mulund) Co-op. Housing Society Ltd. ... Plaintiff
V/s.

Shree Aryadurga Developers Private Ltd. & Ors. ... Defendants

Mr. Floyd Gracias for the Applicant (appearance is not given).

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CORAM : ARIF S. DOCTOR, J.

DATE : 12TH MARCH 2025

P.C. :

1. Not on board. Mentioned. Taken on board.
2. At the outset, before the board was called, the Associate of this Court had informed all the Advocates waiting in the Court seeking circulation that only those matters which were extremely urgent were to be mentioned in terms of the notices published by this Court on 3rd January 2025 and 17th January 2025. The Advocates were also informed that in the event any matter

was mentioned and it was found that the same was not urgent and contrary to the notices published, then not only would circulation not be granted but also costs would be imposed and the matter would be listed after 6 months.

3. Despite the above, Mr. Floyd Gracias, Learned Counsel for the Applicant mentioned the matter and tendered a precipe, in which the reasons for seeking urgent circulation were set out as follows :

“Be pleased to circulate and place on board the abovementioned Interim Application for hearing and final disposal before his Lordship, the Hon’ble Mr. Justice Arif S. Doctor, J. on any Monday or Friday during the week commencing 17th March, 2025 or soon thereafter.

a. Date of filing of the Suit: 18th October, 2023.

Date of filing of the Interim Application : 22nd April, 2024.

b. The last date of listing: 7th February, 2025 (Listed but did not reach). The matter was to be listed next on the 10th March 2025, however, it did not appear on the cause list for the said date.

c. The next date of listing: No date assigned.

d. The Week Day as per allocation: Monday and Friday.

e. The category of matter : Interim Application in Suit.

f. Purpose for which circulation sought: Grant of interim relief to provide the Applicant liberty to proceed with the redevelopment process.

g. The urgency in brief: The Applicant is a Co-operative Society comprising of 42 families belonging to the middle class and lower middle class who have been rendered homeless due to the failure on the part of the Respondents to develop the Society’s property for over 12 years. The Applicant has received a Letter of Intent from a developer interested in developing the property of the Applicant Society, after much difficulty. Therefore, interim relief is sought.”

4. It is to be noted that the above reasons did not make out a case of extreme urgency.

5. Hence list the matter in regular course subject to payment of costs of Rs.5000/- to The High Court Employees Medical Welfare Fund, account details of which are as follows:

Bank Account Details :

Account name : The High Court Employees Medical Welfare Fund at Mumbai.

Bank Name
and Branch : Bank of India, Mumbai (Main)
Branch.

Account no. : 000120110001337.

IFSC Code : BKID0000001"

(ARIF S. DOCTOR, J.)