

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

COMMERCIAL SUIT NO. 288 OF 2017

Bhupendra Ratilal Shah

...Plaintiff

V/s.

Curio Finance and Investment Pvt. Ltd. & Ors.

...Defendants

WITH
INTERIM APPLICATION NO. 1816 OF 2024
WITH
CHAMBER SUMMONS (L) NO. 147 OF 2017

Ms. Aneesa Cheema with Mr. Anuj Jhaveri and Mr. Ritik Sinha i/b Mr. Anuj Jhaveri for the Plaintiff/Applicant in IA.

Mr. Himanshu Takke, AGP for the State-Defendants No. 2 and 3.

Mr. Rajeev Singh with Mr. Aditya Mhatre i/b Dhaval Ved for the Defendant No.5.

Mrs. Nandini Deshpande, 1st Assistant to the Court Receiver.

CORAM : ABHAY AHUJA, J.
DATE : 26th NOVEMBER, 2025

P.C. :

1. When the matter is called out, at the outset, Ms. Cheema, learned Counsel appearing for the Plaintiffs submits that the Chamber of Summons (L) No. 147 of 2017 is wrongly on board as the same has already been disposed of.
2. Registry to remove the same from board.

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3. Learned Counsel submit that the affidavits and compilation of documents along with statement of admission and denial have been exchanged and that this Court may list the matter for framing of issues.

4. Registry to accept the affidavits and compilation of documents as well as the statements of admission and denial.

5. List for framing of issues on **24th December, 2025**. Let draft issues be exchanged in advance.

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6. Pursuant to the order dated 17th September, 2025, a further affidavit dated 14th October, 2025 has been filed on behalf of the Interim Applicant and a copy of the same also been furnished to the learned Counsel appearing for the Defendant No.5.

7. Mr. Singh, learned Counsel appearing for the Defendant No.5 submits that in paragraph 12 of the said affidavit it has been stated that upon a preliminary scrutiny no conclusive material has yet been found to establish that the Defendant No.5 has created third party rights over the Suit property. Mr. Singh submits that in view of this statement in

the further affidavit, the Interim Application can be disposed of on the basis of the statement made on behalf of the Defendant No. 5 on 24th February, 2025 that the said Defendant has no intention of creating any third party rights qua the Plaintiff's claim in the Suit.

8. Mr. Singh submits that the said statement can be continued until the final disposal of the Suit and the Interim Application can be disposed of.

9. Ms. Cheema, learned Counsel appearing for the Plaintiff has no objection if such an order is passed and submits that at the moment her client is not pressing for the prayer Clauses (b) and (c) in the application, however, liberty be granted to take out an appropriate interim application if the need so arises. Ms. Cheema submits that on the basis of the aforesaid submission the Interim Application can be disposed of.

10. Having heard the learned Counsel and having considered their submissions, the following order is passed:-

ORDER

(i) The statement made on behalf of the Defendant No.5 on 24th February, 2025, that the said Defendant has no intention of creating any third party rights qua the Plaintiff's claim in the Suit, is accepted

and continued till the final disposal of the Suit.

11. The Interim Application to accordingly stand disposed. Liberty to the Plaintiff to take out an appropriate application with respect to the prayer Clauses (b) and (c) if the need arises.

(ABHAY AHUJA, J.)