

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

SUMMONS FOR JUDGMENT NO. 8 OF 2021
IN
COMMERCIAL SUMMARY SUIT NO. 12 OF 2021

Ashwin Khater and Anr.

...Applicants

V/s.

Avinash Khater and Ors.

...Respondents

WITH
INTERIM APPLICATION NO. 2720 OF 2025
IN
SUMMONS FOR JUDGMENT NO. 8 OF 2021

Mr. Rashmin Khandekar with Ms. Rajui Mehta i/b Vashi and Vashi for the Plaintiffs.

Mr. Dharam Juman, through VC with Mr. Mihir Nerurkar and Mr. Akash Agarwal i/b Aagam Doshi & Co. for the Defendant No.1.

Mr. Nausher Kohli, through VC i/b Mr. Manoj Pandit for the Defendant No.4.

CORAM : ABHAY AHUJA, J.
DATE : 27th NOVEMBER, 2025

PC. :

1. Pursuant to the earlier orders of this Court, today when the matter is called out, learned Counsel appearing for the Plaintiffs as well as the Defendants No. 1 and 4 are *ad-idem* that in view of the decision of this Court in the case of *Prime Developers and Anr. Vs. Mayank Jaswantlal Shah*¹, this Court pass similar directions in this matter as the learned Counsel agree that the subject matter of the suit is not a commercial one.

1 IA 1987 of 2025 in COMSS 57 of 2021 dated 6th November, 2025.

2. Accordingly, the Prothonotary & Senior Master of this Court shall rename the Summary Suit and the connected proceedings by removing the prefix commercial and renumber the Summary Suit as well as the connected proceedings as ordinary / regular Suit / proceedings to be entertained and tried by the High Court in its Ordinary Original Civil Jurisdiction as a Summary Suit and not as a Commercial Summary Suit.

3. Let the aforesaid directions be complied with within a period of two weeks.

4. At the joint request of the learned Counsel appearing for the parties in the matter, the renamed and renumbered Summary Suit and the connected proceedings be listed before this Court on **15th December, 2025 on the supplementary board.**

(ABHAY AHUJA, J.)