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

## APPEAL FROM ORDER NO.590 OF 2024
## WITH
## CIVIL APPLICATION NO.36 OF 2024
## IN
## APPEAL FROM ORDER NO.590 OF 2024

M/s. Veena Developers — Appellant

Versus

Dilip Maganlal Sanghoi & Anr — Respondents

---

Adv. Rajesh Kachare a/w Adv. Chinmay Acharya, Adv. Disha Jain, Adv. Nishita Bhuta & Adv. Nikhil More i/b Omkar Kulkarni for the Appellant.

Adv. Ajay Panicker a/w Adv. Lavanya Panicker, Adv. Dhairya Sampat i/by Ajay Law Associates for Respondent No.1.

PRIYANKA MADHAVRAO KALE
Digitally signed by PRIYANKA MADHAVRAO KALE
Date: 2026.10.13 18:42:01 +0530

---

CORAM: AARTI SATHE, J.

DATE: 13th October 2026.

P.C.

1. This Appeal from Order has been filed under Order XLIII Rule 1(r) read with 104 of Civil Procedure Code, 1908, being aggrieved and dissatisfied with the impugned Order dated 12th April 2019 passed by the City Civil Court, Bombay (hereinafter referred to as 'the Trial Court') in Notice of Motion No.112 of 2019 in S.C. Suit No.2990 of 2012, whereby the Trial Court has granted injunction in respect of a flat in the building known as 'Veena Signature'.

2. Heard learned counsel on behalf of the parties.

3. Learned counsel on behalf of the Appellant submits that the impugned Order passed by the Trial Court is a non-speaking Order granting injunction in respect of building known as 'Veena Signature', which is an altogether different, standalone project and the agreement which has been entered into by the Appellant with the Respondents is in respect of building known as 'Veena Sarang-II'. He further submits that a letter of allotment was issued in respect of a 2-BHK flat bearing No.F/321, situated on the 3rd floor of the proposed building known as 'Veena Sarang-II'. However, the Trial Court has erroneously granted an injunction in respect of a different project, namely, 'Veena Signature' and has thus erred in granting the aforesaid injunction.

4. Learned counsel on behalf of the Respondents submits that the Trial Court has not erred in granting an injunction in respect of building known as 'Veena Signature' inasmuch as the Appellant had changed the building plan/layout plan and had also changed the name of the building from 'Veena Sarang-II' to 'Veena Signature'. He further submits that in respect of the similar reliefs sought for by the Appellant, this Court by an earlier Order dated 1st December 2015 has dismissed the Appeal from Order No.976 of 2013 and had not granted the reliefs sought therein.

5. Considering the aforesaid contentions and also considering that the Notice of Motion No.112 of 2019 and the S.C. Suit No.2990 of 2012 is pending adjudication, and taking into consideration that this Court by its earlier Order dated 1st December 2015, had directed the Trial court to dispose of the Suit

expeditiously, this Court is of the view that, without delving into the merits of the matter, the Notice of Motion No.112 of 2019 along with Suit No.2990 of 2012 be disposed of expeditiously and preferably within a period of six months from the date of this Order. It is however, clarified that the Notice of Motion No.112 of 2019 however, be disposed of within a period of six weeks from the date of this Order.

6. All contentions of the parties in respect of the aforesaid Notice of Motion and pending Suit are expressly kept open.

7. Needless to clarify that this Court has neither delved into the merits of the matter nor expressed any *prima facie* view on the issues involved in the present Appeal from Order. The Trial Court shall dispose of the Notice of Motion and the pending Suit independently and in accordance with law. The parties shall not seek adjournment at the time of hearing.

8. It is further clarified that the Trial Court shall decide the Notice of Motion afresh by taking into consideration all the contentions raised by the parties and the documents which are placed on record before it, without being influenced by any earlier orders.

9. Appeal from Order is disposed of in the aforesaid terms.

10. In view of disposal of the Appeal from Order, Civil Application also stands disposed of. No costs.

(AARTI SATHE, J.)