IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 530 OF 2026

M/s. Raj Builders ...Applicant

Versus

Razia Gulamhussain Arsiwala And Ors ...Respondents

SANTOSH SUBHASH KULKARNI
Digitally signed by SANTOSH SUBHASH KULKARNI
Date: 2026.10.07 15:00:46 +0530

Mr., Dhaval Shethia, a/w Nikita Ghungharde, Sanhita Chaure, i/b Dhiren Shah, for the Applicant.
Mr. Anuj Narula, a/w Rehana M., i/b Jhangiani Narula & Asso., for Respondent Nos.1 to 3.
Mr. Santosh Mali, for Respondent Nos.4 to 9 – BMC.
Mr. Priyank Ganesh Chudasam, for Respondent Nos.10 to 16.

CORAM : N. J. JAMADAR, J.
DATED : 6th OCTOBER, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.

2. The challenge in this application is to an order dated 19th September, 2026, whereby the learned Judge, City Civil Court, has ruled that Notice of Motion No.2415/2026 in LC Suit No.1471/2026 seeking interim/ad-interim relief would be decided first in point of time and the decision on the Notice of Motion No.2724/2026 seeking rejection of the plaint under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, would stand deferred.

3. The grievance of the applicant – defendant is that the hearing on the Notice of Motion No.2724/2026 for rejection of the plaint was concluded on 17th September, 2026. On that day, an application for ad-interim/interim relief was filed on behalf of the plaintiff. Initially, the learned Judge had adjourned the Notice of Motion No.2724/2026 to 19th September, 2026 for passing orders. However, by the impugned order, the learned Judge directed that Notice of Motion No.2415/2026 seeking interim/ad-interim relief shall be decided first.

4. Since the Notice of Motion for rejection of the plaint has been heard and reserved for orders, if the learned Judge, having regard to the circumstances of the case, was of the view that the application for interim/ad-interim relief was required to be heard and decided, the proper course would have been to hear and decide the said Notice of Motion No.2415/2026 simultaneously with the application for rejection of the plaint. A simultaneous decision on the applications would obviate the necessity for the determination of the application for interim relief, should the Court come to the conclusion that the plaint is required to be rejected.

5. This Court is informed that Notice of Motion No.2415/2026 is ripe for hearing, as pleadings in the said Notice

of Motion are complete, and it is now posted for hearing on 8th October, 2026.

6. In these circumstances, this Court considers it appropriate to request the learned Judge, City Civil Court, to hear Notice of Motion No.2415/2026 positively on 8th October, 2026 and pass the orders on Notice of Motion No.2724/2026 for rejection of the plaint and Notice of Motion No.2415/2026 for interim/ad-interim relief simultaneously as expeditiously as possible.

7. The application stands disposed.

[N. J. JAMADAR, J.]