IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7699 OF 2026
IN
FIRST APPEAL NO. 394 OF 2026

Shree Annapurna Enterprises & Ors. ..Applicants

In the matter between:

Shree Annapurna Enterprises & Ors. ..Appellants
Versus
Sanjay Shridhar Kelkar & Ors. ..Respondents

Ms. Raufa Shaikh a/w. Kshitij Munj i/b. Yuvraj Narvankar for Applicants/Appellants.

Mr. Deepak Shukla a/w. Shweta Thakur i/b. BNS Legal for Respondent Nos.1 to 5.

Mr. N. V. Gangal a/w. Namita Mestry, Prapti Karkera, Saket Joshi for Respondent Nos.6 and 8 to 13 in FA/394/2026.

Mr. Piyush Raheja a/w. Aakash Loya i/b. Mr. Sanmish Gala for Respondent No.7.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 6 OCTOBER 2026

PC :

1. This is an application for permission to withdraw the First Appeal No.394 of 2026 in respect of the challenge to the

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orders passed below Exhibits-49, 55, 78 and 112 in Special Civil Suit No.78 of 2025 before the Civil Judge, S.D., Palghar, and to continue with the First Appeal No.394 of 2026 to challenge the order passed below Exhibit-44 in the said suit. Further liberty is sought to prefer separate Appeals for challenging the orders below other exhibits referred to herein above.

2. Heard learned counsel for the parties.

3. Learned counsel for the Applicants submitted that, inadvertently, a single Appeal was preferred against all these separate orders. Technically, it would be proper if separate Appeals are preferred challenging separate orders and, therefore, this application is filed.

4. Learned counsel for the Respondents submitted that, if the liberty is to be granted, then, it may be clarified that the subsequent Appeals which are to be filed by the Appellants be decided in accordance with law, including the question of limitation and all the rights and contentions of the parties be left open.

5. Considering these submissions, we are inclined to allow this application.

6. Hence, the following order:

O R D E R

i) The First Appeal No.394 of 2026 shall be restricted to challenge the order passed below Exhibit-44 in Special Civil Suit No.78 of 2025 before the Civil Judge, S.D., Palghar.

ii) The Appellants are at liberty to prefer separate Appeals challenging separate orders passed below Exhibits-49, 55, 78 and 112 in Special Civil Suit No.78 of 2025 before the Civil Judge, S.D., Palghar.

iii) If the separate Appeals are filed, they shall be decided on their own merits in accordance with law, including the question of limitation and rights and contentions of the parties are left open.

iv) The contention of the Appellants regarding limitation is also left open.

v) The Application is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)