

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17326 OF 2025

Riyad Rashid Oomerbhoy Through POA And
Ors.

...Petitioners

Versus

Abubaker Salim Begmohammed And Ors.

...Respondents

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2026.02.04
10:45:50 +0530

Mr. Ashok Dhanuka, a/w Vipul Makwana, Sudhanshu Tiwari,
i/b W3Legal LLP., for the Petitioners.

Mr. S. D. Muley, for Respondent No.1.

Ms. Nidhi Salian, i/b Apex Law Partners, for Respondent Nos.2
and 3.

CORAM: N. J. JAMADAR, J.

DATED: 3rd FEBRUARY, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. By this petition the petitioner seeks a direction for expedite hearing of SC Suit No.1609 of 2013 and the Notice of Motion taken out therein.
3. The Court is informed that the learned Judge, City Civil Court, has posted the suit for hearing on 6th February, 2026. From the perusal of the *roznama* of the proceeding dated 3rd October, 2016, it becomes evident that the Court was persuaded to frame the following preliminary issue:

Whether this Court has jurisdiction to entertain and try the suit?

4. By the said order, the suit was adjourned to 25th October, 2016 for hearing on the preliminary issue. A period of about 10 years seems to have elapsed without any progress on the hearing of preliminary issue. The decision on the preliminary issue as regards the jurisdiction of the City Civil Court will have a bearing on the suit and the various Notices of Motion taken out by the parties. Thus, having regard to the pendency of the suit and the fact that the preliminary issue was framed on 3rd October, 2016, this Court is of the considered view that, it would be expedient in the interest of justice that, the preliminary issue, framed by the City Civil Court, is heard and decided as expeditiously as possible.

5. The parties shall appear before the learned Judge, City Civil Court, on 6th February, 2026.

6. The learned Judge, City Civil Court, is requested to make an endeavour to hear and decide the preliminary issue, as framed, as expeditiously as possible, and, preferably, within a period of eight months from 6th February, 2026.

7. The parties shall co-operate with the learned Judge, City Civil Court, in the expeditious hearing and disposal of the suit and shall not seek unnecessary adjournments.

8. The petition stands disposed.

[N. J. JAMADAR, J.]