

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2572 OF 2026

The Khatau Makanji Co. Pvt. Ltd.

..Petitioner

Versus

The Khata Makanji Spinning
& Weaving Co. Ltd.

...Respondent

Mr. Janak Dwarkadas, Sr. Advocate, Mr. Karl Tamboly a/w
Ms. Sana Khan, Ms. Vaidehi Athavale i/by SNG &
Partners, for the Petitioner.

Ms. Naira Jeejeebhoy, Mr. Naveille Mukherji, Ms. Sanaya
Contractor, Mr. Arman Mulla i/by RJD & Partner, for the
Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 24th FEBRUARY 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 17th January 2026 whereby the Notice of Motion taken out by the Defendants to stay the proceedings in the suit, till the final decision of the RAE & R Suit No. 127/329 of 1989 pending before the Court of Small Causes.
3. By the said order, the learned Judge, City Civil Court rejected the said Notice of Motion. Subsequent to the said order dated 17th January 2026, by an order dated 18th February 2026 the learned Judge has posted the suit for judgment, recording

that the defendant has not advanced the submissions despite sufficient opportunity.

4. An issue about the jurisdiction of the City Civil Court to entertain, try and decide the suit is sought to be raised on behalf of the defendant.

5. At this stage, when the suit is at the fag end, this Court does not consider it appropriate to entertain the challenge to the impugned order. However, the defendant would be at liberty to raise all the contentions including the jurisdictional competence of the City Civil Court to decide the issues that arise for adjudication in Suit No. 110255/1988.

6. The Court is also of the view that, since the defendants have participated in the trial and in the contemplation of the challenge to the order dated 17th January 2026, before this Court, the arguments were not advanced in SC Suit No. 110255/1988, it would be expedient in the interest of justice that the defendant is granted an opportunity to advance the final arguments. In the considered view of this Court, that would be the only way in which the lis can be decided finally and on merits.

7. In these circumstances, the order dated 18th February 2026 posting the suit for pronouncement of judgment on 25th February 2026 is required to be interfered with.

8. The petition thus stands disposed with the following directions:-

- i) The learned Judge, City Civil Court shall defer the pronouncement of the judgment in Suit No. 110255/1988, beyond 25th February 2026.
- ii) The parties shall appear before the learned Judge, City Civil Court, on 25th February, 2026.
- iii) The parties shall cooperate with the Trial Court to fix a schedule for final hearing of the arguments as expeditiously as possible.
- iv) The defendant is permitted to advance final arguments in the said suit and also raise the ground of jurisdiction of the City Civil Court to entertain, try and decide the issues that arise for adjudication in the said suit.
- v) After the defendant advances its submissions, the plaintiff be permitted to advance the submissions in rejoinder.

vi) The learned Judge, City Civil Court is requested to adjudicate the suit on its own merits and in accordance with law, without being influenced by any of the aforesaid observations.

[N. J. JAMADAR, J.]