

IN THE BOMBAY CITY CIVIL COURT AT MUMBAI
ORDER BELOW PURSIS EXHIBIT 55

IN

S.C. SUIT NO. 406 OF 2014

Kurla Malayalee Samajam Trust

...Plaintiff

Vs.

1.M/s. S. Rajesh and Associates
and Ors.

...Defendants

Appearance

Learned Adv. Mr. Wilson Cherian for plaintiff.

Learned Adv. Ansari a/w Adv. Mangesh Kokare for defendant No.7

CORAM : HHJ R. S. Aradhya
(C.R.NO.62)

Date : 24th October, 2024

ORDER BELOW EXHIBIT-55

The present application is filed by the plaintiff for passing appropriate order on the pursis Exh. 50 which he filed for withdrawal of suit against defendants No. 7 and 8. The Predecessor of this Court has called the say and accordingly at Exh.52 defendants No. 7 and 8 both have filed their say. On behalf of defendant No. 1 no objection is given for allowing the application. However, defendant No. 7 has strongly opposed on the ground that Order Dtd. 01.07.2024 passed by this Court below Exh. 50 is reasoned order and by this application plaintiff is seeking review of that order. Heard both the sides.

2. By taking into consideration contention of both the parties pursis Exh. 50 has been filed by this Court vide Order Dtd. 01.07.2024. It is the fact that for withdrawal of suit against defendants No. 7 and 8 plaintiff filed pursis Exh. 50 to which both defendants have filed their reply and contended that how the false grounds are stated by the plaintiff by way of pursis Exh. 50.

3. In so far as Order on pursis is concerned, it is not the application and one kind of written information to the Court about any fact or event. It is not expected that to allow or reject the pursis as like any other application. The second aspect about appropriate or inappropriate order, every order is appropriate unless it is decided as inappropriate by the higher authority or appellate forum.

4. The order passed below Exh. 50 contains four pages and it is supported with the reasons why it was required to be filed on record. The matter is time bound by the Hon'ble High Court and this Court has again applied for extension of time for it's disposal. It is the duty of both the parties and their Counsels that to render their assistance in early disposal of the suit as per the direction of Hon'ble High Court. But, in the present case first of all Counsel for the plaintiff sought adjournments on the ground that plaintiff wants to take legal steps against the Order below Exh. 50 and then filed this application. Therefore, taking into consideration above said facts and reasoning I think that the present application is not at all maintainable as it has devoid of merits so liable to be rejected. In the result, accordingly following order is passed:

ORDER

1. Application Exh. 55 is rejected.
2. By way of last chance plaintiff is directed that to lead further evidence, if any, otherwise Court will proceed further as per the provisions of law.

Date : 24.10.2024

Dictated on : 24/10/2024
Transcribed on : 25/10/2024
Signed on : 07/11/2024

(R. S. Aradhye)

**Judge,
City Civil Court,
Mumbai.**

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

07.11.2024 at 5.55 p.m.
UPLOAD DATE AND TIME

Mr. S.S. Bathe
NAME OF STENOGRAPHER

Name of the Judge(with CR No.)	HHJ SHRI R. S. Aradhya (C.R.No.62)
Date of pronouncement of Order	24/10/2024
Order signed by P.O. on	07/11/2024
Order uploaded on	07/11/2024