

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 759 OF 2023
WITH
INTERIM APPLICATION NO. 15317 OF 2023

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Qureshi Iqbal A Kadar ...Appellant
Versus
Pyramid Developers And Others ...Respondents

Mr. Abhishek L. Tripathi a/w. Mr. Bharat Tiwari, for Appellant.
Mr. Vishnu Wani, for Respondent No.3.

CORAM : M.M. SATHAYE, J.

DATE : 4th DECEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant. Learned counsel for Respondent No.3 appears and states that copies are not served. Necessary copies be served before next date.

2. Learned counsel for the Appellant invited this Court's attention to prayers made in the plaint and the colour xerox of the Appellant's photopass. He submits that in view of the prayers made in the plaint, the observation in the impugned order that necessary declarations are not sought, is perverse. He submits that the agreement on the basis of which Respondent No.3 is put in possession of tenement no. 512, 5th floor in rehab Building No.D5, is apparently signed by Respondent, though it is intended to be executed in Appellant's

favour, as can be seen from first page of the said agreement.

3. Considering that the impugned order is passed in January 2023, Respondent Nos. 1 & 2 will have to be heard.

4. **Issue notice to Respondent Nos.1 & 2**, returnable on 17.12.2024. Learned counsel for Respondent No.3 waives for service. Notice to indicate that subject to time constraints, an endeavor will be made to hear and finally dispose of the appeal at admission stage.

(M.M. SATHAYE, J.)