

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 13397 OF 2026

Rajesh Kanojiya

Appellant

.. (Org. Defendant No. 1)

Versus

Anthony Joseph Pattathu & Ors.

.. Respondents

.....

- Mr. Vivek Shukla, Advocate for Appellant

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 5, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 04.05.2026.

2. Heard Mr. Shukla, learned Advocate for Appellant i.e. Org. Defendant No. 1.

3. Grievance of Mr. Shukla is that learned Trial Court has passed order dated 30.04.2026 (appended at Exh. 'A', page No. 13 of AO) but while passing the said order, learned Trial Court has not recorded the statement which has been made on behalf of the Society when the ad-interim order was passed. To that effect Mr. Shukla would draw my attention to paragraph No. 4.4 of the AO wherein it is stated that during the course of ad-interim hearing, learned Trial Court passed directions for completion of pleadings and Chairman of Respondent No. 3 - Society has made oral statement that they will not create third

party rights. This is the only apprehension expressed by Mr. Shukla in the present case. In that view of the matter, considering that learned Trial Court is already seized with the hearing of the Motion finally on 19.06.2026 which is the next date of hearing, issue notice to the Respondents made returnable on 08.06.2026. Humdast permitted. In addition to Court's notice, Appellant is directed to serve copy of the AO along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

4. After receiving the notice, Respondents to file affidavit-in-reply within a period of two weeks from today with an advance copy to the Advocate for Appellant. Rejoinder if any shall be filed within two weeks thereafter. Parties shall note that since the Motion before Trial Court will be heard on 19.06.2026 finally, present Appeal from Order will be disposed of finally on next date.

5. Stand over to **8th June, 2026.**

[MILIND N. JADHAV, J.]

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