

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2698 OF 2002

Ram Prakash Anand

...Plaintiff

V/s.

Devinder D. Ghai

...Defendant

WITH
CHAMBER ORDER (L) NO. 413 OF 2004
WITH
COUNTER CLAIM NO. 1 OF 2009
WITH
INTERIM APPLICATION NO. 2607 OF 2023

Mr. Sanjay Jain with Mr. Bhavin Gada, Mr. Kalpesh Mehta, Ms. Mansi Shah i/b Pravin Mahta and Mithi and Co. for the Plaintiff.

Mr. Gaurav Mehta with Mr. Abhay Jadeja and Mr. Arun Unnikrishnan i/b Jadeja & Satiya for the Defendant in the Suit and Plaintiff in CC.

CORAM : ABHAY AHUJA, J.
DATE : 5th MARCH, 2026

PC. :

Interim Application No. 2607 of 2023

1. Mr. Jain, learned Counsel appearing for the Applicant submits that the Interim Application seeks a rejection of the Counter Claim on the ground that there is no cause of action and the Counter Claim has become infructuous in view of the consent terms that have been filed in the City Civil Court on 3rd August, 2004 in Suit No. 2197 of 1999 signed between the Counter Claimant and the Society and that this Court while exercising powers under Section 151 of the Code of Civil Procedure, 1908 (the "CPC") dismiss the Suit.

2. Mr. Mehta, learned Counsel appears for the Counter Claimant and submits that the Interim Application has not been considered on the basis of what has been argued by Mr. Jain and the prayers simplicitor seek the rejection of the Counter Claim under Order VII Rule 11 (a) and 11(d) of the CPC and that there is no reference to invocation of Section 151 of the CPC in relation to the consent terms dated 3rd August, 2004, although there is no doubt that the consent terms exist, but the Applicant has not proceeded on that basis in the Interim Application. Mr. Mehta submits that, therefore, this Court may grant some time in the matter to consider the line of arguments by Mr. Jain or in the alternative the Interim Application may have to be amended and time would have to be granted to file an additional reply.

3. Mr. Jain, learned Counsel appearing for the Applicant seeks some time to take instructions in the matter.

4. List on **23rd April, 2026.**

(ABHAY AHUJA, J.)

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