

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

**INTERIM APPLICATION (L) NO. 3846 OF 2020
IN
SUIT NO. 96 OF 2023
ALONGWITH
INTERIM APPLICATION (L) NO. 8953 OF 2022
IN
INTERIM APPLICATION (L) NO. 3846 OF 2020
ALONGWITH
CONTEMPT PETITION (L) NO. 11251 OF 2022
IN
INTERIM APPLICATION (L) NO. 3846 OF 2020
ALONGWITH
INTERIM APPLICATION (L) NO. 12328 OF 2021
IN
INTERIM APPLICATION (L) NO. 3846 OF 2020**

Hubtown Solaris Premises
Co-Operative Society Ltd.
vs.

...Applicant

Municipal Corporation Of
Gr. Mumbai And Ors

...Respondents

**ALONGWITH
INTERIM APPLICATION (L) NO. 16165 OF 2021
IN
SUIT NO. 96 OF 2023**

Hubtown Solaris Premises
Co-Operative Society Ltd.
vs.

...Applicant

Municipal Corporation Of
Gr. Mumbai And 8 Ors

...Respondents

**ALONGWITH
INTERIM APPLICATION (L) NO. 16519 OF 2021
IN
SUIT NO. 96 OF 2023**

Hubtown Limited and Anr.

...Applicants

vs.
Hubtown Solaris Maintenance
Private Limited and 9 Ors.

...Respondents

**ALONGWITH
INTERIM APPLICATION (L) NO. 22163 OF 2021
IN
SUIT NO. 96 OF 2023**

Hubtown Solaris Premises
Co-Operative Society Ltd.

...Applicant

vs.
Municipal Corporation Of
Gr. Mumbai And 8 Ors

...Respondents

Mr. Chetan Kapadia, Senior Advocate a/w Mr. Yuvraj Singh, Mr. Ankoosh Mehta, Mr. Srinivas Chatti, Ms. Pragya Chandak, Ms. Mohini Parghi i/by Cyril Amarchand Mangaldas - Advocate for the Plaintiff Society

Mr. Ashish Kamat, Senior Advocate a/w Simantani Mohite, Mr. Nishit Dhruva, Ms. Niyati Merchant and Mr. Harsh Sheth i/by MDP and Partners - Advocate for the Defendant Nos. 5 and 6.

Ms. K. H. Mastakar - Advocate for Defendant Nos. 1 to 4-MCGM

Mr. Abhijit P. Kulkarni a/w Sweta Shah and Mr. Gaurav Sahane - Advocate for Respondent Nos. 7 and 8-SRA

Mr. S. B. Gore - AGP for State -Defendant Nos. 11 to 14.

CORAM : S. M. MODAK, J.

DATE : 21st SEPTEMBER 2023

P. C. :-

1. Heard learned Senior Advocate Shri Kapadia for the Applicant-Plaintiff and learned Senior Advocate Shri Kamat for

the Defendant Nos. 5 and 6.

2. There are following interim applications filed on behalf of the Plaintiff:-

Sr. No.	Interim Application	Prayers
1	INTERIM APPLICATION (L) NO. 3846 OF 2020	Asking for various reliefs including not to hand over possession of the units sold on 6 th floor and on 13 th floor and also including the prayer not to sale unsold units on 6 th floor and on 13 th floor.
2.	INTERIM APPLICATION (L) NO. 16165 OF 2021	This is for an amendment in the plaint thereby bringing the subsequent events on record.
3.	INTERIM APPLICATION (L) NO. 22163 OF 2021	For joining the purchasers of the units from 6 th floor and 13 th floor.

3. Learned Senior Advocate Shri Kamat submitted that let fresh notices of the impleadment application be issued to those proposed Respondents.

4. Whereas learned Senior advocate Shri Kapadia submitted that he has served them as per the private notice and there is an affidavit of service dated 12/11/2021 on record. I have perused it. At this stage, I do not think it is necessary to issue them a fresh notices.

5. This Court, as per Order dated 03/05/2021, has

granted ad-interim relief in terms of prayer clause 'b'. So, also, the objection about jurisdiction was rejected at an ad-interim stage. This Order was challenged before the Appellate Court. As per Order dated, 03/07/2021, the matter is remanded back to this Court. Now there is an Interim Application (L) No. 16519 of 2021 filed by Defendant Nos. 5 and 6 thereby challenging the jurisdiction.

6. Apart from that, there are a few more interim applications filed by both of them against each other, thereby complaining about non-compliance of the Order (Quorum A. K. Menon J.) on 03/05/2021.

7. Let all these sets of interim applications be heard together on **16/10/2023 at 2.30 p.m..**

8. If any of the parties want to file affidavit-in-reply and rejoinder, they are at liberty to do the same.

[S. M. MODAK, J.]