

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

COMMERCIAL SUIT NO.769 OF 2017

Kapila Infrastructure Limited ...Plaintiff
V/s.
S.S. Developers and Others ...Defendants

WITH
INTERIM APPLICATION (L) NO.12869 OF 2025
WITH
INTERIM APPLICATION NO.1181 OF 2025
WITH
INTERIM APPLICATION NO.1263 OF 2020
WITH
NOTICE OF MOTION NO.679 OF 2017
WITH
INTERIM APPLICATION NO.1130 OF 2025

Ms. Jennifer Micheal with Mr. Parth Parikh i/b Mr. Dhiren Shah for the Plaintiff.

Mr. Sumeet Upadhay with Mr. Ashish Saxena and Mr. Chetan Gogawale i/b Law Global Law global for the Defendants No. 1 to 3.

Ms. Nehaa Shah for the Defendant No. 4.

Mr. Mayur Sosa i/b Divakar Rai for the Defendant No.6 and for Applicant in IA 1181/25.

Mr. Sumeet Nadkarni with Ms. Gayatri Sathe i/b Mulla & Mulla & CBC for the Defendants No. 15 and 16 and proposed Defendant no. 20.

CORAM : ABHAY AHUJA, J.
DATE : 7th MAY 2025

PC. :

Interim Application No. 1130 of 2025

1. Pursuant to the order dated 26th March, 2025, today when the matter is called out, Mr. Sosa, learned Counsel appears for the

Defendant No.6 and submits that he has instructions to consent to the Interim Application and therefore, no reply would be filed.

2. Learned Counsel appearing for the Plaintiff submits that if that be the case, pleadings are complete and this Court may hear the Application.

3. Mr. Nadkarni, learned Counsel appears for the Defendants No. 15 and 16 and proposed Defendant No. 20 and submits that there is an Application under Order VII Rule 11 of the Code of Civil Procedure, 1908, which needs to be heard first.

Interim Application No. 1181 of 2025

4. Mr. Sosa, learned Counsel for the Defendant No.6 submits that this is an Interim Application which seeks rejection of Plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 and the pleadings in this Application are complete and the same can be heard.

Interim Applications (L) No. 12869 of 2025 and 12936 of 2025

5. It is submitted that the Interim Application (L) No. 12869 of 2025 has been filed by the Defendants No. 15 and 16 seeking rejection of Plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908.

6. Ms. Micheal, learned Counsel appears for the Plaintiff and submits that some time be granted to file reply to this Application as well as to the Interim Application (L) No. 12936 of 2025, filed by the Defendants No. 1 to 3 also for rejection of Plaintiff, which is not on board as both these Applications seek rejection of Plaintiff under Order VII Rule 11 of the Code of Civil Procedure, 1908.

7. Interim Application (L) No. 12936 of 2025 is not on board. It is taken on board.

8. Let replies to the Interim Applications be filed within a period of three weeks with copy to the other side. Rejoinder in two weeks thereafter with copy to the other side.

9. Let objections to these Interim Applications be removed and registered numbers be obtained by the next date, failing which this Court will consider dismissing the Applications.

Interim Application No.1263 of 2020

10. Learned Counsel appearing for the Plaintiff submits that this is an Interim Application that has been filed for intervention by a third

party, however, none has been appearing for the Applicants. Today also none appears for the applicants in this Application.

11. Accordingly, it is made clear that if none appears for the Applicants in this Application on the next date, this Court will consider dismissing the Application.

12. List on **30th July, 2025.**

(ABHAY AHUJA, J.)