

rajshree

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

**INTERIM APPLICATION (L) NO.22561 OF 2023
IN
COMMERCIAL SUIT (L) NO.20788 OF 2023**

Estep Nagar CHS Ltd.	]	..	Applicant
vs.			
Vastu Darshan Developers LLP	]	..	Respondent

Mr.Mayur Khandeparkar a/w Anand Pai, Tushar Gujjar, Deepak Singh and Jyoti Kukreja i/b SL Partners for the Applicant.

Mr.G.C. Singh, for Defendant No.1.

Mr.Christopher D'souza i/b Pradish Suvarna for Respondent No.2.

CORAM : BHARATI DANGRE, J

DATE : 29th November, 2023.

P.C.

1] The learned counsel for Defendant/Respondent No.1, make a grievance that copy of the Plaint as well as copy of the Interim Application, seeking ad-interim relief is not served upon him.

The learned counsel for Defendant/Respondent No.2 has raised objection about maintainability of the present Suit as Commercial Suit and while responding to the said objection, the learned counsel for the applicant Mr.Khandeparkar would submit that he would convert the Suit as a Regular Suit instead of Commercial Suit, by carrying out necessary amendment in the title clause of the Suit.

Let the necessary amendment be carried out within a period of one week from today. Pursuant to the amendment being carried out, the present Suit shall be treated as a Regular Suit and if required shall be re-numbered.

The learned counsel for Respondent Nos.1 and 2, who are contesting Respondents, seek time to file response to the Interim Application.

2] Despite private notice being served upon the other Defendants/ Respondents, there is no appearance.

Hence, I deem it appropriate to issue notice to Respondent Nos.3 to 9 by making the same returnable on 19.12.2023. Hamdast granted. Private service of notice is permitted including electronic mail service.

Upon service being effected, if Respondent Nos.3 to 9 are desirous of filing response to the Interim Application seeking ad interim relief, they are at liberty to do so.

Similarly, Respondent Nos.1 and 2 are also at liberty to file reply, with advance copy being served upon the other side before the returnable date.

Renotify to 19.12.2023.

[BHARATI DANGRE, J]