

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

COMMERCIAL SUIT NO. 18 OF 2025
WITH
INTERIM APPLICATION NO. 3141 OF 2025
WITH
INTERIM APPLICATION NO. 1613 OF 2025

Vivek Narayan Naik & Anr.

.. Plaintiffs

Versus

M/s. Shivani Builders & Developers & Ors.

.. Defendants

.....

- Mr. Akshay Kolse Patil a/w Ms. Rashmi Raghavan, Ms. Vaishnavi Kamble & Ms. Shraddha Kadam, Advocates for Plaintiffs in Suit and Applicant in Interim Applications
- Mr. Santosh Pathak, Advocate for Defendant No. 5
- Mr. Amogh Singh a/w Mr. Deepesh Kadam, Advocates for Defendant No. 6

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 13, 2026

P. C.:

1. Heard Mr. Patil, learned Advocate for Plaintiffs; Mr. Pathak, learned Advocate for Defendant and Mr. Singh, learned Advocate for Defendant No. 6.

2. In view of the Practice Note / Notice No. 60-A dated 12.07.2022, Mr. Patil would pursue the Court to allow the Plaintiffs to serve writ of summons wherein there is delay of 362 days in serving writ of summons on Defendant Nos. 1 to 6 and delay of 80 days in serving writ of summons on Defendant Nos. 7 to 9. He would submit that in the interregnum Plaintiff was amended and therefore the delay

had occurred. Mr. Patil also candidly informs the Court that in the interregnum Consent Terms were entered into with Defendant Nos. 1 to 5 and Defendant Nos. 7 to 9. Though there are certain difficulties stated by Mr. Patil because of certain developments, Plaintiff can file appropriate proceedings with regard thereto. Insofar as applying for writ of summons is concerned for the reasons mentioned by Mr. Patil and the conduct of the parties in the interim, delay stands condoned for serving writ of summons. Advocate for Plaintiff undertakes to serve writ of summons along with Notice of Motion / Interim Application within a period of four weeks from today positively on the Defendants.

3. Mr. Patil persuades the Court to hear above captioned Interim Applications. Defendants are directed to file affidavit in reply in both the Applications, if any, within a period of two weeks from today. If no affidavit in reply is filed by the next adjourned date considering the request made by Mr. Patil that numerous chances have been given to Defendants, this Court shall hear and pass appropriate orders in both the Interim Applications.

4. One of the submission made by Mr. Patil is that despite having filed the Consent Terms, Defendants are not abiding by the same and are attempting to create third party rights which would prejudice the

Plaintiff's right. Defendants shall take cognizance of this submission made by Mr. Patil and ensure that they shall not derelict.

5. Stand over to 28th January, 2026.

Amberkar

[MILIND N. JADHAV, J.]

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