

ITEM NO.8 COURT NO.2 SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14591-14593/2009

(From the judgement and order dated 08/04/2009 in AL No.73/2009 & AL No.216/2009 & AL No. 220/2009 & S No. 2937/2008 & NM No.3533/2008 of The HIGH COURT OF BOMBAY)

ASHWINI LIFE SCIENCES PVT.LTD. Petitioner(s)

VERSUS

VIJAY DWELLERS PVT.LTD.& ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, permission to file additional documents, PERMISSION TO FILE AFFIDAVIT and interim stay and prayer for interim relief)  
(For final disposal)

WITH SLP(C) NO. 15034-15036 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and interim stay and prayer for interim relief and office report)  
(For final disposal)

SLP(C) NO. 15037-15039 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and interim stay and prayer for interim relief and office report)  
(For final disposal)

SLP(C) NO. 15145-15146 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and interim stay and prayer for interim relief and office report)  
(For final disposal)

SLP(C) NO. 15158-15160 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and interim stay and prayer for interim relief and office report)  
(For final disposal)

SLP(C) NO. 17950-17951 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report)  
(For final disposal)

SLP(C) NO. 19685 of 2009

(With appln(s) for exemption from filing c/c of the impugned Judgment and interim stay and prayer for interim relief and office report)  
(For final disposal)

Date: 09/08/2011 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

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HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Amarendra Sharan, Sr. Adv.  
Mr. C.U. Singh, Sr. Adv.  
Ms. Garima Prashad, Adv.

For Respondent(s) Mr. K.K. Venugopal, Sr. Adv.  
Mr. Sourabh Kirpal, Adv.  
Mr. Ajay Bhargava, Adv.

Ms. Vanita Bhargava, Adv.  
Mr. Abhijeet Swaroop, Adv.  
for M/S. Khaitan & Co.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Narhari Singh, Adv.  
Mr. Vikas Mehta, Adv.

Mr. L.N. Rao, Sr. Adv.  
Mr. Abhindra Maheshwari, Adv.  
Mr. Vishwajit Singh, Adv.  
Mr. Ritesh Agarwal, Adv.

Mr. Rakesh K. Sharma, Adv.

Ms. Purnima Bhat, Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. Tapes Kumar Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Seven special leave petitions have been taken up for consideration by us in regard to a common order dated 8th April, 2009, passed by the Bombay High Court in Appeal (Lodg) Nos.203, 204, 211, 212, 214 to 221, 71, 72, 73 and 74, all of 2009. The said appeals were directed against the orders dated 18th December, 2008 and 19th March, 2009, passed by the learned Single Judge of the High Court on different Notices of Motion taken out by the plaintiffs. Certain orders have been passed by the learned Single Judge while appointing a Receiver in respect of the flats in the two

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buildings known as "Raghdev Bhawan" and "Babylon".

The said order of the learned Single Judge was modified by the Division Bench in certain aspects against which the seven special leave petitions have been filed.

Having heard learned counsel for the respective parties and since we are informed that the Notices of Motion are fixed for final hearing on 16th August, 2011, we are of the view that the learned Single Judge should hear out the Notices of Motion finally to put an end to all the controversies that have been raised regarding the flats in question and the claims of the parties. We are also informed that the Notices of Motion are pending for about two years. In view of the fact that there could be multiplicity of proceedings on account of pendency of the Notices of Motion, we request the learned Single Judge of the High Court to dispose of the Notices of Motion on the date fixed, i.e., 16th August, 2011, and, if it is not possible to dispose of the same on the said date, to dispose of the same at least within two weeks thereafter.

Pending the disposal of the Notices of Motion, the order of the Division Bench dated 8th April, 2009, impugned in these special leave petitions, shall continue to be operative. We also make it clear that the order of the Division Bench, however, shall not fetter the hands of the learned Single Judge in deciding the Notices of Motion finally.

The special leave petitions are disposed of accordingly.  
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(Chetan Kumar) (Juginder Kaur)  
Court Master Assistant Registrar