

ITEM NO.4

Court 14 (Video Conferencing)

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13869/2020

(Arising out of impugned final judgment and order dated 17-02-2020
in MCA No. 6/2020 passed by the High Court Of Judicature At Bombay)

VINA ARVINDLAL SISWAWALA & ORS.

Petitioner(s)

VERSUS

BHOUMIK CO OPERATIVE HOUSING SOCIETY LIMITED & ORS. Respondent(s)

(FOR ADMISSION and I.R.)

Date : 12-02-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. Rekha Parshuram Shinde, AOR

For Respondent(s) Dr. Manish Singhvi, Sr. Adv.
Mr. Saytendra Kumar, Adv.
Mr. D. K. Devesh, AOR

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

The petitioners filed a Suit being S.C. Suit No. 175 of 2016 in the City Civil Court of Bombay, Borivali Division at Dindoshi *inter alia* challenging a Development Agreement dated 31st October, 2015, seeking a declaration that the same is not binding on the petitioner and other related and/or consequential reliefs.

The Respondent Nos. 1 and 2 have filed Suit No. 1190 of 2019 in the Bombay High Court *inter alia* for a declaration

that the said Development Agreement and subsequent agreements are binding on the petitioner and other defendants impleaded in the said suit. The Respondent Nos. 1 and 2 have sought orders of injunction against the defendants including the petitioners being the plaintiffs in the said S.C. Suit No. 175 of 2016 filed in the City Civil Court. The petitioners have sought transfer of their suit to the Bombay High Court so that the same can be tagged and heard with Suit No. 1190 of 2019 filed by the Respondent Nos. 1 and 2.

After hearing the parties, the impugned Order dated 17-02-2020 passed by the High Court, rejecting the prayer for transfer of S.C. Suit No. 175 of 2016 to the Bombay High Court, is set aside. It is only expedient that the two suits be heard together.

We direct that the S.C. Suit No. 175 of 2016 pending in the City Civil Court of Bombay, Borivali Division at Dindoshi, be transferred to the Bombay High Court, where the Suit No. 1190 of 2019 filed by the Respondent Nos. 1 and 2, is pending.

Both the suits be heard together.

The records pertaining to Suit No. 175 of 2016 shall be transmitted to the Bombay High Court within two weeks from the date of communication of this order.

Needless to mention that the applications filed by the respective parties will be taken up and considered in accordance with law.

The Special Leave Petition, is, accordingly, disposed of.

(MANISH ISSRANI)
COURT MASTER(SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)