

Satish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.4776 OF 2023
IN
APPEAL FROM AN ORDER (ST) NO.12469 OF 2023
WITH
APPEAL FROM AN ORDER (ST) NO.12469 OF 2023

WITH
INTERIM APPLICATION NO.7671 OF 2023
IN
APPEAL FROM AN ORDER (ST) NO.12473 OF 2023
WITH
APPEAL FROM AN ORDER (ST) NO.12473 OF 2023**

M/s. National Building Corporation
and Anr. ...Applicants
vs.
Dev Gyan Co-operating Housing
Society Ltd. ...Respondent

Ms.Divya Bhavsar i/b Dinesh D. Tiwari Associates for Applicant.

**CORAM : S. M. MODAK, J.
DATED : 31ST MAY 2023**

P. C. :

1. Inadvertently, instead of filing a Writ Petition, the Appellant has preferred an Appeal from an Order. The correctness of the order passed on Notice of Motion moved by the Defendants is challenged.

The prayer for rejection of Plaintiff under the provisions of Order 7

Rule 11 of the Code of Civil Procedure, 1908 [“CPC”] was made and it was rejected.

2. Hence, liberty granted to withdraw the proceeding with liberty file appropriate proceedings as per Rules. Hence, it is disposed of.

3. Interim Application is also disposed of.

[S. M. MODAK, J.]