

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****REVIEW PETITION NO.52 OF 2015****IN****SUIT NO.965 OF 2011**

Subhiksha Trading Services Ltd. & Anr. ...Petitioners/Orig. Plaintiffs.
vs.
Azim Premji ...Respondent/Orig. Defendant

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Mr. Parikshit Rao, a/w. Mr. Prakash Gokhlaney, i/b. R & M Partners, for the
Petitioners/Original Plaintiffs.

Mr. J.P. Sen, Senior Advocate, a/w. Dr. Birendra Saraf, Mr. Rohaan Cama,
Mr. Rohan Dakshini, Ms. Rajashree Ram and Mr. Vineet Unnikrishnan, i/b.
Federal & Rashmikan, for the Respondent/Original Defendant.

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CORAM: S.C. GUPTE, J.

DATE : 28 JULY, 2015.

P. C. :-

. Heard learned Counsel for the Review Petitioner. The Review
Petition is on the footing that any decision on issue no. 3, which is
referred to in the order passed by this Court on 5 May 2015, requires
leading of evidence. Having regard to the pleadings filed by the parties
neither is there any dispute as to the identity of the Articles of Association
of Plaintiff No.1 nor the contents of the Articles. In fact, when it was
pointed out to the Court at the hearing on 5 May 2015 that, the Articles of
Association produced by the Defendant at the hearing, contain a bar in
respect of any suit being filed for and on behalf of Plaintiff No.1 unless the

commencement of such legal action is preceded or supported by a resolution duly passed in accordance with the Articles, no objection was raised to the authenticity or the text of the Articles of Association produced by the Defendant. The only question was, what was the effect of the relevant Articles of Association and that is certainly a pure question of law. This question will be decided at the trial of Issue No.3 in accordance with the order of 5 May 2015. There is no ground for review of that order under Order 47 Rule 1 of the Code of Civil Procedure. The Review petition is, accordingly, dismissed. The Articles of Association tendered by learned Counsel for the Plaintiff in support of his application today are marked "X" for identification.

(S. C. GUPTE, J.)