

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.378 OF 2017  
WITH  
CHAMBER SUMMONS NO.395 OF 2017  
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CHAMBER SUMMONS NO.396 OF 2017  
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CHAMBER SUMMONS NO.398 OF 2017  
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CHAMBER SUMMONS NO.438 OF 2017  
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CHAMBER SUMMONS NO.444 OF 2017  
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**CHAMBER SUMMONS NO.702 OF 2017**  
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**CHAMBER SUMMONS NO.703 OF 2017**  
**WITH**  
**CHAMBER SUMMONS NO.716 OF 2017**  
**WITH**  
**CHAMBER SUMMONS NO.720 OF 2017**  
**IN**  
**SUIT NO.192 OF 2017**

Pramod Premchand Shah and Ors. ....Plaintiffs

Vs.

Ratan N Tata and Ors. ....Defendants

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Mr. N.H. Seervai, senior advocate a/w. Mr. Sanmish Gala I/b. Markand Gandhi and Company for plaintiffs.

Mr. Piyush Raheja I/b. Mr. Dipesh Siroya for applicant in all chamber summons.

Mr. Ravi Kadam, senior advocate a/w. Mr. Nitesh Jain, Ms. Juhi Mathur and Mr. Jeet Karia I/b. Shardul Amarchand Mangaldas for defendant nos.1 to 4, 6,7 and 28 to 30.

Ms. A.A. Mujawar I/b. Economic Laws Practice for defendant nos.5, 21 and 25.

Mr. Sharan Jagtiani a/w. Ms. Shireen Pachkanawalla I/b. Maneksha and Sethna for defendant no.11.

Mr. Zal Andhyarujina a/w. Ms. Shruti Sarrdesai, Mr. Jehangir Nariman and Mr. Mistry I/b. M/s. Mulla and Mulla and CBC for defendant nos.12 and 14 to 20.

Mr. Aditya Sikka I/b. Cyril Amarchand Mangaldas for defendant nos.22 and 27.

Mr. Divanshu Gupta I/b. Cyril Amarchand Mangaldas for defendant no.26.

Mr. Rajesh Satpalkar I/b. M/s. Mulla and Mulla and CBC for defendant nos.23 and 24.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 26<sup>th</sup> NOVEMBER 2018**

**P.C.:**

1            These chamber summons are taken out to implead applicants as party defendants in the plaint and other proceedings in the suit. The suit itself was filed on a representative capacity by plaintiffs and an ex-parte leave under Order I Rule 8 of the Code of Civil Procedure was taken. That order granting leave was revoked by an order dated 10<sup>th</sup> July 2017. Stay of that order was sought but was refused by an order dated 11<sup>th</sup> July 2017 which reads as under :

*. Learned Counsel for the Plaintiffs applies for stay of the order dated 10 July 2017. The original order of leave was passed ex parte. That leave has now been revoked after a comprehensive hearing, where both parties were allowed to make detailed submissions. In the premises, the suit cannot any more be continued as a representative suit. Even if the plaintiffs were to succeed in their challenge to this order, the effect would be that the leave under Order 1 Rule 8 of the Code of Civil Procedure, 1908, which was revoked by this Court and which does not therefore exist, shall stand restored. The important point is that once the leave is revoked on merits, the suit cannot any more be allowed to be continued as a representative suit. The Plaintiffs are not barred from continuing the suit in their individual capacity and to the extent the reliefs relate to their personal case. In the premises, the stay is refused.*

2           An appeal has been preferred which is still pending. Since the leave has been revoked on merits, the suit cannot anymore be allowed to be continued as a representative suit.

3           In the circumstances, all chamber summons are dismissed with liberty to applicants to approach this Court once again should plaintiffs, viz., appellants, in the appeal, succeed.

**(K.R. SHRIRAM, J.)**