

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL SUIT NO.2 OF 1993
WITH
COMMERCIAL NOTICE OF MOTION NO.129 OF 2016
IN
COMMERCIAL SUIT NO.2 OF 1993**

Tata Motors LimitedPlaintiff

Vs.

Geetaneel Builders (India) and Ors.Defendants

**WITH
COMPANY PETITION NO.225 OF 1992
WITH
COMPANY APPLICATION NO.546 OF 2016
WITH
COMPANY APPLICATION NO.547 OF 2016
WITH
COMPANY APPLICATION NO.208 OF 2018
WITH
COMPANY APPLICATION (L) NO.429 OF 2018
IN
COMPANY PETITION NO.225 OF 1992**

Mr. Aditya Sikka a/w. Ms. Priyanka Mitra I/b. Cyril Amarchand Mangaldas for plaintiff in COMS/2/1993 and for respondent no.22 in CP/225/1992.

Mr. Waquar Ahmad I/b. M/s. Law Charter for defendant no.1 in COMS/2/1993 and for respondent nos.1,2 and 6 in CP/225/1992.

Mr. Pankaj Kode I/b. Mr. Himanshu V. Kode for defendant nos.2 and 3 in COMS/2/1993 and for petitioner in CP/225/1992.

Mr. Pritvish Shetty I/b. M/s. Vidhii Partners for respondent nos.13, 14, 16, 17 and 20.

CORAM : K.R.SHRIRAM, J.

DATE : 28th SEPTEMBER 2018

P.C.:

COMPANY APPLICATION NO.546 OF 2016

1 This application is taken out to delete the name of respondent no.13 who has expired on 29th March 2015.

2 Mr. Kode, counsel for applicant states that the legal heirs of respondent no.13 are already on record as respondent no.14, 16, 17 and 20. No affidavit in reply has been filed and therefore, none of the averments have been controverted.

3 In the circumstances, application is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

4 Amendment to be carried out and copy of the amended petition to be served within two weeks from today. The newly added respondents to file reply within two weeks of receiving copy of the amended petition. Alongwith the petition, copy of this order be also served on the newly added parties.

COMPANY APPLICATION NO.547 OF 2016

1 This application is taken out to delete the name of respondent no.5 who has expired on 14th January 2013.

2 Mr. Kode, counsel for applicant states that the legal heirs of respondent no.5 are already on record as respondent no.6 (since deceased), 7, 10 and 11. No affidavit in reply has been filed and therefore, none of the averments have been controverted.

3 In the circumstances, application is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

4 Amendment to be carried out and copy of the amended petition to be served within two weeks from today. The newly added respondents to file reply within two weeks of receiving copy of the amended petition. Alongwith the petition, copy of this order be also served on the newly added parties.

COMPANY APPLICATION NO.208 OF 2018

1 This application is taken out to delete the name of respondent no.15 who has expired on 21st February 2012.

2 Mr. Kode, counsel for applicant states that the legal heir of respondent no.15 is already on record as respondent no.4. No affidavit in reply has been filed and therefore, none of the averments have been controverted.

3 In the circumstances, application is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

4 Amendment to be carried out and copy of the amended petition to be served within two weeks from today. The newly added respondent to file reply within two weeks of receiving copy of the amended petition. Alongwith the petition, copy of this order be also served on the newly added party.

COMPANY APPLICATION (L) NO.429 OF 2018

1 This application is taken out to bring on record the legal heir of Bhagwandas Jinabhai Patel who died on 22nd April 2018. Bhagwandas Jinabhai Patel is respondent no.6 and is also arrayed as respondent no.2 in his capacity as Karta and Manager of Bhagwandas Jinabhai Patel HUF. He was also the legal heir of respondent no.5. His legal heirs are already on record as respondent nos.7, 10 and 11.

2 At this point of time, Mr. Kode, counsel for applicant states that he has been informed by the advocates for respondent no.6 - Bhagwandas Jinabhai Patel that his son Bhupesh Bhagwandas Patel, who is respondent no.7, is now the Karta and Manager of Bhagwandas Jinabhai Patel HUF. Mr. Kode seeks leave to bring this fact also on record by way of amendment to the cause title. Leave granted.

3 In the circumstances, application is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

4 Amendment to be carried out and copy of the amended petition to be served within two weeks from today. The newly added respondents to file reply within two weeks of receiving copy of the amended petition. Alongwith the petition, copy of this order be also served on the newly added parties.

COMMERCIAL NOTICE OF MOTION NO.129 OF 2016

1 This notice of motion, it has to be noted, is lodged on
21st August 2013 and numbered only in 2016. The suit is of the year 1993.
No ad-interim relief also has been granted. I find no reason why any relief
as prayed for in this notice of motion should be granted particularly the
threat as envisaged by plaintiff cannot be stated to be in existence anymore.

2 Therefore, notice of motion dismissed.

3 Mr. Sikka, counsel for applicant states that liberty be granted to
approach this Court should the need arise. That is available for any party if
they make out a case.

COMMERCIAL SUIT NO.2 OF 1993

1 On 16th June 2014 plaintiff was directed to file affidavit of
evidence and compilation of documents. On 3rd July 2014 the Court has
observed that if defendants admit some or all of the documents produced by
plaintiff, plaintiff may or may not require to lead any evidence.

2 Defendant nos.2 and 3 have filed their statement of admission
and denial. Defendant no.1 has not given any statement of admission and
denial. I cannot understand the delay in taking further steps in the matter.

3 Purely by way of indulgence, time granted upto 12th October
2018 to file evidence affidavit of plaintiff with compilation of documents

together with list of witnesses. If it is not done, suit will stand dismissed for want of prosecution without further reference to this Court.

4 Stand over to 12th October 2018 for directions.

(K.R. SHRIRAM, J.)

Gauri
Amit
Gaekwad

Digitally signed
by Gauri Amit
Gaekwad
Date:
2018.10.01
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