

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

COMMERCIAL APPEAL NO.455 OF 2019
WITH
NOTICE OF MOTION NO.891 OF 2019

Abu Asim Azmi	..Appellant
Versus	
Nasir Jamal Shaikh & Ors.	..Respondents

Mr. Mayank Bagla a/w Mr. Alok Bagla i/by Bagla & Associates,
Advocates for the Appellant.
Mr. Kevic Setalvad, Senior Advocate a/w Mr. Aditya Bapat, Ms. Nikita
Panse iby Veritas Legal, Advocates for Respondent Nos.1 to 4.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 5th NOVEMBER, 2019

P.C.

- 1] Heard learned counsel for the parties.
- 2] The Plaintiff and the 1st Defendant were close friends and were in joint business for decades. Unfortunately, the two had differences. The other parties are part of the group comprising the Plaintiff and the 1st Defendant.
- 3] The businesses are continuing and statutory dues need to be paid. Apart from the statutory dues, payments have to be made to third parties which would finally be to the benefit of the joint businesses.

4] Grievance in the Appeal is limited to payments directed to be made as per second limb of paragraph 7 of the impugned order dated 26th August 2019.

5] Learned counsel for the Appellant states that these payments are not to parties who are entitled to receive payments pertaining to the common businesses; a fact disputed by the counsel for the Respondents.

6] Needless to state, payments which are to be made from the joint account are to known parties and should the Appellant be able to finally establish that the beneficiaries of the said payments have no concern with the joint business, the accounting would be done at the final stage.

7] Thus, we dismiss the Appeal clarifying as above.

8] In view of disposal of Appeal, Notice of Motion does not survive and is accordingly disposed of.

**Balaji G.
Panchal**

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Balaji G. Panchal
Date: 2019.11.06
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE