

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 4102 OF 2018****IN****FIRST APPEAL NO. 533 OF 2017****John Fernandes****..... Applicant****IN THE MATTER BETWEEN****John Fernandes****..... Appellant****VERSUS****Enron Oil Gas India Ltd. (Deleted)
BG Exploration & Production India Ltd.
& Ors.****..... Respondents**

Ms.Seema Sarnaik for the Applicant/Appellant.

Mr.R.S.Pai, a/w. Ms.Afrin Dalal, i/b. M/s.Haresh Mehta & Co. for the Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 8th JANUARY, 2020****P.C.**

By this civil application, the applicant seeks amendment in the cause title of the first appeal and direction against the respondents to pay Rs.2,98,000/- directly to the applicant and also prays for early hearing of the first appeal.

2. It is the case of the applicant that the respondent no.1 is acquired by Royal Dutch Shell PLC Group of Companies and thus is required to be impleaded as party respondent to the first appeal.

3. The respondent no.1 has filed affidavit. In paragraph (6) of the affidavit, it is clearly stated that the respondent no.1 is a subsidiary of

its holding company based on Mauritius through a chain of other companies and by its parent entity i.e. BG Group Plc. In February 2016 one of the subsidiaries of Royal Dutch Shell PLC. acquired the shares of the BG Group PLC (i.e. the respondent no.1's ultimate parent company) and not the respondent no.1 who is a separate and distinct legal entity in law. There is no transfer of assets of the respondent no.1.

4. Learned counsel for the respondent no.1 states that the respondent no.1 company still exist. The statements made in the paragraph (6) of the affidavit in reply are accepted. The statements made by the learned counsel across the bar are also accepted.

5. It is not in dispute that the respondent no.1 has filed cross objection against the applicant in the first appeal impugning the decree passed by the trial court. First appeal as well as the cross objections are admitted by this court.

6. I am thus not inclined to grant any relief for amendment of the cause title of the first appeal as prayed.

7. Insofar as the prayer clause (b) is concerned, no such claim at this stage in this civil application can be considered. The prayer clause (b) is rejected.

8. Hearing of the First Appeal No.533 of 2017 and cross objections filed therein is expedited.

9. The statements made in the additional affidavit dated 9th October

2019 filed by the petitioner no.1 are accepted.

10. Civil application is disposed of in the aforesaid terms. No order as to costs.

11. If the private paper-book is not filed, the same shall be filed within six weeks from today.

12. The parties are at liberty to apply for early hearing of the first appeal after six weeks.

[R.D.DHANUKA, J.]