

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

Amk

COMMERCIAL APPEAL (L) NO. 61 OF 2020
IN
INTERIM APPLICATION NO. 1 OF 2020
IN
COMMERCIAL SUIT NO. 433 OF 2019

Karishma Singh & Ors.

.. Appellants

Vs.

Drawing Room Pvt. Ltd. & Ors.

.. Respondents

Mr. Varun Nathani a/w. Mr. Shriraj Salekar, Ms. Aditi Bhargava,
Deepakar Linsinton i/b Vidur Legal for the Appellants.

Mr. Chirag Mody a/w. Mr. Parag Khandar, Ms. Saloni Shah i/b DSK
Legal for Respondent Nos.2 & 3.

Mr. V. K. Nair for Respondent No.7.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 17th FEBRUARY, 2020.

P. C. :

1. No Appeal lies against the impugned order dated 27.01.2020 for the reason notwithstanding the order recording that no ad-interim relief can be granted at this stage, we find that in Interim Application No. 1 of 2020 concerning which the impugned order has been passed brought to the notice of the Court that the Plaintiff had died. Prayer made was to permit the Applicant to amend the plaint in accordance with Schedule 'A'.

2. In Schedule 'A' to the Application pleadings sought to be incorporated in the plaint were that the Applicant was the legal heir of the deceased Plaintiff with further averments concerning transfer of shares held by deceased Plaintiff in the name of the Applicant.
3. The learned Single Judge has noted that the Defendants were opposing the Application. The reason for the opposition is not recorded in the impugned order but we are told by the learned Counsel for the Respondents in the Appeal that the opposition was on the ground that the cause pleaded in the plaint was personal to the deceased.
4. Needless to state the issue would be decided by the learned Single Judge when Interim Application No. 1 of 2020 shall be taken up.
5. The Appeal is dismissed as not maintainable.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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