

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

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INTERIM APPLICATION NO. 1591 OF 2021

IN

COMMERCIAL EXECUTION APPLICATION NO. 22 OF 2016

Pinak Bharat and Co. and

Bina V. Advani

.. Applicant

v/s.

Anil Ramrao Naik (Res) and

Shripad Vaman Rajadhyax and

19 Ors. (Applicants)

.. Respondents

Mr. Mayur Khandeparkar a/w Prerak Sharma, Nihir Y. Dedhia and
Rushikesh G. Bhagat for the applicant.

Mr. Archit Jaykar a/w Prasad Sawant i/b M/s. Jayakar & Partners for the
applicants in CHSCD/42/20 and 43/2020.

Ms. Jyoti Chavan, for the applicant in CHSCD/44/2020.

Mr. Prasad Sant for applicant in IA/319/2019.

Mr. Clive D'Souza for the applicant in CHSCD/561/2019.

Mr. Sagar Patil for MCGM.

CORAM : A. K. MENON, J.

DATED : 9TH DECEMBER, 2021.

P.C. :

1. After this matter was heard for sometime, Mr. Khandeparkar has
pointed out that since the Court has framed certain issues in order dated

3rd June, 2021, if these issues are to be gone into by executing Court, it is necessary that an additional issue pertaining to maintainability of the Chamber Summonses is also framed. He states that in Interim Application No. 1591 of 2021, the applicant seeks two prayers, one is to recall/expunge and to delete the issues framed. In alternative, the issue of maintainability be framed. Although, a reply has been filed by some of the applicants in Chamber Summonses today, they are agreed that an additional issue may be framed. Accordingly, the following issue is framed;

Whether the Chamber Summons Nos. 42 of 2020, 43 of 2020, 44 of 2020, 561 of 2019 and Interim Application No.319 of 2019 are maintainable ?

2. Interim Application is disposed in the above terms.

(A. K. MENON, J.)