

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION 5985 OF 2019**

Buena Vista Properties Pvt.Ltd.

...Petitioner

vs.

M/s.Zaraj Health Aids Pvt.Ltd.

...Respondent

Mr.Ajinkya Udane i/b. Kanhu B. Katake for Petitioner.

**CORAM : ROHIT B. DEO, J.**

**DATED : 28 JUNE 2022**

**P.C. :**

1. The Plaintiff is the defendant in Civil Suit 151/2003 which is instituted by M/s.Zaras Health Aids Pvt.Ltd., which is an incorporated entity.

2. The Petitioner has not placed on record copy of the suit plaint.

3. However, from facts which are culled out in the order impugned whereby the trial court has permitted Mr.Jamshed Cooper to represent the plaintiff company, it appears that the subject matter of the suit is a commercial property owned by the plaintiff company of which possession is prayed.

4. It further appears from application, Exhibit 320, dated 10

November 2017 which is preferred by the plaintiff, that a request was made to permit Mr.Jamshed Cooper and/or Mr.Satish Nagwekar to represent the company. Certain other reliefs are sought in the said application, which are not the subject matter of the present petition and I am informed that there is a separate petition which is pending in which the reliefs granted as to the submission of the written statement, etc., are challenged. Be that as it may, it is averred in the application that the director who was representing the company, Ms.Zarin Cooper, unfortunately expired on 19 April 2014 and Mr.Jamshed Cooper is one of the surviving directors, the other being Mrs.Nina Rao.

5. The learned trial Judge has permitted Mr.Jamshed Cooper to represent the company.

6. It is difficult to appreciate the opposition of the defendant to the order impugned. It is not in dispute that M/s.Zaras Health Aids Pvt.Ltd.- plaintiff is a distinct juristic entity and is otherwise entitled to sue and to be sued in its corporate name.

7. While, as an abundant caution, the plaintiff preferred an application requesting that in view of the unfortunate death of Ms.Zarin

Cooper, Mr. Jamshed Cooper be permitted to represent the company, which application is allowed, there is absolutely no substance in the submission of the learned Counsel for the Petitioner that the order impugned suffers from infirmity.

8. It is clarified, that if there is any other relief which is granted by the learned trial court while considering application, Exhibit 320, the same shall be independently considered in the petition, which according to the learned Counsel for the Petitioner is pending.

9. The petition is dismissed.

**(ROHIT B. DEO, J.)**