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

INTERIM APPLICATION NO.312 OF 2022
IN
SUIT NO.449 OF 2017

M/s. Ashok Commercial Enterprises & Ors.

...Applicants/
Plaintiffs

Versus

Satellite Developers Pvt. Ltd.

...Defendant

Mr. Vishal P. With Ujwala Deshmukh i/b. Pradhan & Rao for Plaintiffs /
Applicants.

Jayesh Gawand i/b. Dinesh Shinde for Defendant.

CORAM : R.I. CHAGLA J

DATE : 2ND MAY, 2022

ORDER :

1. Heard learned Counsel for the parties.
2. By this Interim Application, the Applicant is seeking permission to amend the Plaint as per schedule 'A' at Exhibit 'A' to the Interim Application and the Interim Application No.81 of 2021 as per schedule 'B' at Exhibit B of Interim Application.

3. It is stated that proceedings had been filed by the Defendant for sanctioning of scheme of demerger and forming resulting Company in the name of proposed Defendant, Sesen Realty Private Ltd. before the NCLT. The Applicant has recently come to know on 10th November, 2021 that NCLT has sanctioned the scheme. The proposed Defendant which is sought to be added is the resulting Company which has come into existence after the sanction granted by the NCLT on 10th November, 2021 in Company Petition (CAA) No.1054 of 2020 in Company Scheme Application No.2921 of 2019 filed by the Defendant before NCLT. Therefore, the present Application has been filed to join the resulting Company as proposed Defendant.

4. Having considered submission of the learned Advocate appearing for the Applicant / Plaintiff as well as the order dated 10th November, 2021 passed by the NCLT, whereby the Defendant has been demerged and formed into resulting Company by the name of Sesen Realty Private Limited, it would be appropriate to permit Applicant / Plaintiff to carry out amendment in the cause title of the Plaint as well as in the Interim Application No.81 of 2021 by adding the said resulting Company and consequential amendments thereof. Hence the following order:-

i) The Applicant / Plaintiff shall carry out amendment in the Plaint as

well as in the Interim Application No.81 of 2021 as per schedule 'A' annexed at Exhibit A and Schedule 'B' annexed at Exhibit 'B' respectively to Interim Application No.312 of 2022 within a period of four weeks from the date of this Order.

ii) This will be without prejudice to the rights and contentions of the parties in the Interim Application No.81 of 2021 and in the Suit No.449 of 2017.

iii) The Advocates for the Plaintiff shall serve the amended Interim Application and Plaint upon carrying out the amendment simultaneously upon the Defendants.

iv) Interim Application No.312 of 2022 is disposed of in the above terms.

[R.I. CHAGLA J.]