

Pallavi

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.59 OF 2021
IN
INTERIM APPLICATION NO.606 OF 2020**

TS Natarajan ...Appellant
Versus
Splendor Complex Cooperative Housing Society ...Respondents
Ltd

**WITH
APPEAL NO.60 OF 2021**

Oberoi Splendor Flat Owners Association ...Appellant
Versus
Splendor Complex Cooperative Housing Society ...Respondents
Ltd and Ors

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by PALLAVI
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Mr Deven Jogdeo, for the Appellant in Appeal/59/2021.
Mr Mohit Bhardwaj, for the Appellant in Appeal/60/2021.
**Mr Sharan Jagtiani, Senior Advocate, with Siddhesh Bhole, Apurva
Manwani & Nikhil Ghate, i/b SSB Legal & Advisory, for the
Respondent Nos.1 to 13 in both Appeals.**

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 14th July 2022

PC:-

1. Mr Bhardwaj has made the necessary amendment and joined himself as the 2nd Appellant in both Appeals. He was the original 1st Defendant.
2. Responding to an observation from the Bench, Mr Bhardwaj, on careful reconsideration makes a statement that he unconditionally withdraws the email dated 18th October 2019, a copy of which is at page 337 of the Appeal paper-book. This was original 'Exhibit – OO' in the Suit.
3. Mr Bhardwaj further states that he wishes to withdraw from the Appeals and seeks that he may be deleted as a party Appellant upon the withdrawal of this email. We note the withdrawal of the 'Exhibit – OO' to the Plaint and note that this is unconditional and unqualified. Clearly, therefore, no relief for damages in defamation on the basis of 'Exhibit – OO' will survive in the suit itself. Mr Bhardwaj is allowed to be deleted as Appellant No.2. In view of this order he may also separately apply for his deletion as Defendant No.1 in the suit itself. This will not however suffice to dispose of either Appeal. The other Appellants may still choose to continue. They will need time to engage an Advocate. Whether or not Mr TS Natrajan Appellant in Appeal No.59 of 2021 wishes to continue the Appeal and whether the Oberoi Splendor Flat Owners Association wishes to continue with Appeal No.60 of 2021 is for them to decide. If either of them wishes to withdraw the Appeal they are at liberty to apply to the Court. Should they need time to engage fresh legal representation we will readily grant them sufficient time.

4. We make it clear that the injunction against Mr. Bhardwaj is not vacated. We note this lest there be reason for a fresh cause of action.

5. At this stage, Mr Jogdeo appears for Mr TS Natrajan, now the sole Appellant in Appeal No.59 of 2021. He states on instructions that Mr Natrajan does not wish to prosecute the Appeal and wishes to withdraw the Appeal. Mr Natrajan's Appeal No. 59 of 2021 is dismissed as unconditionally withdrawn. The learned Advocate will file his vakalatnama within one week from today.

6. As a result, it is only Appeal No.60 of 2021 that will be listed on 21st July 2022.

(Madhav J. Jamdar, J)

(G. S. Patel, J)