

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

**INTERIM APPLICATION NO. 3803 OF 2022
IN
COMPANY APPLICATION NO. 6 OF 2021
WITH
INTERIM APPLICATION NO.4252 OF 2022
IN
INTERIM APPLICATION NO. 3807 OF 2022**

Star Grain & Shipping Pvt Ltd & Anr ...Applicant/
Appellants

In the matter between

Star Grain & Shipping Pvt Ltd & Anr ...Original
Appellants

Vs

Girdharlal Nathubhai Dalal & Ors ... Respondents

**AND
INTERIM APPLICATION NO. 3807 OF 2022
IN
COMPANY APPLICATION NO. 5 OF 2021
WITH
INTERIM APPLICATION NO.4251 OF 2022
IN
INTERIM APPLICATION NO. 3803 OF 2022**

K.C. Agro Pvt Ltd & Anr ...Applicant/
Appellants

Vs

Girdharlal Nathubhai Dalal & Ors ...Respondents

and

Surendra Kantilal Dalal & Ors ... Prop.
Respondents

Mr. Kevic Setalwad Sr. Adv. With Mr. Malcolm Siganporia i/b J
Sagar & Associate, for Applicant in IA/3803/2022.

Mr. Vikram Nankani, Sr. Advocate with Mr. Malcolm
Siganporia i/b J Sagar & Associates, for Applicant in

IA/3807/2022.

Mr. Haresh Jagtiani Sr. Adv i/b Ms. Vandana Mehta, for
Chetan Dalal.

Mr. Shanay Shah with Bijal Vora i/b Parinam Law Associate,
for Respondent No. 3.

CORAM N. J. JAMADAR, J.

DATED 16th NOVEMBER, 2022

PC:-

1. Heard the learned Counsel for the parties.
2. Mr. Jagtiani, the learned Senior Counsel for Mr. Chetan Dalal submits that having regard to the time spent in dealing with an issue of bringing the legal representative of deceased-respondent No. 1 on record, the Court may condone the delay in taking out the application to set aside the abatement and allow the applicants to bring Mr. Chetan Dalal as the legal representative of the deceased- respondent No. 1.
3. However, the applicant/appellants shall not insist upon bringing the proposed legal representatives who are sought to be brought on record by taking out amendment applications being Interim Application No. 3803 of 2022 and Interim Application No. 3807 of 2022.
4. Mr. Setalwad, and Mr. Nankani the learned Senior Counsel for the applicants submit that the applicant/appellants will not insist for bringing the persons, who are sought to be brought on record by way of the proposed amendment.

5. By an order dated 14th September, 2022, this court had permitted the applicant/appellants to implead Mr. Chetan Dalal as respondent without prejudice to the rights and contentions of the parties.

6. The Company Application No. 6 of 2021 and Company Application No. 5 of 2021 thus stand allowed.

7. Mr. Chetan Dalal is permitted to be brought on record in the capacity of the legal representative of respondent No. 1, without prejudice to the rights and contentions of the applicant/ appellants in other proceedings.

8. The applications for amendment i.e. Interim Application No.3803 of 2022 in Company Application No. 6 of 2021 and Interim Application No.3807 of 2022 in Company Application No. 5 of 2021, also stand disposed.

[N. J. JAMADAR, J.]