

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 512 OF 2024

IN

SUTT NO. 53 OF 2024

Vir Krishnan Kotak ...Applicant

IN THE MATTER BETWEEN

Vir Krishnan Kotak ...Plaintiff

Versus

HI Terminal Holding BV & Ors ...Defendants

SHEPHALI
SANJAY
MORMARE

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**Mr Gyanendra Kumar, Senior Advocate, with Ajay Sawhney, Shree
Sinha, Priyanka Desai & Shivam Tiwari, i/b Cyril Amarchand
Mangaldas, for the Applicant/Plaintiff.**

**Ms Ankita Singhania, with Shreya Gupta, Shivani S, i/b Shardul
Amarchand Mangaldas & Co, for Defendants Nos. 1, 8 & 9.**

**Mr Nitesh Jain, with Atul Jain, Adrish Guha M, Somit Kumar Singh &
Prerana Shankar, i/b Trilegal, for Defendants Nos. 2 to 5 & 7.**

CORAM. ARIF S. DOCTOR, J

DATED, 20th December 2024

PC:-

1. The matter was placed today to enable the Learned Counsel for the parties to file their respective Written Submissions.

2. However, Mr Singhania, Learned Counsel appearing on behalf of Defendants Nos. 1, 8 and 9 sought to place reliance upon certain additional Judgments of this Court, which she fairly submitted were not relied upon at the time of the arguments. It is her submission that the said Judgments would be of great bearing to the issue at hand since these same hold that an injunction cannot be granted by the Civil Court against the Coparceners of a HUF/JHF restraining Coparceners from dealing with HUF/JHF properties. She submitted that these Judgments were in answer to the Judgements cited by the Plaintiff on this very proposition and it was thus that the Defendants Nos. 1, 8 and 9 were now seeking to rely upon the same.

3. Mr Kumar, Learned Senior Counsel appearing on behalf of the Applicant/Plaintiff submits that since the Judgements were never relied upon before, he sought time to consider the same. Learned counsel for the Defendants shall make the same available to the Learned Counsel for the Plaintiff.

4. At his request, list the matter on 10th January 2025 under the caption “for directions”.

(ARIF S. DOCTOR, J)