

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

**INTERIM APPLICATION NO.2220 OF 2024
IN
COMMERCIAL ARBITRATION PETITION NO.228 OF 2022**

Malaney Trading & Services LLP ... Applicant (Org. Petitioner)

In the matter of

Malaney Trading & Services LLP ... Petitioner

V/s.

Uzer Makina VE Kalip Sanayi A.S. & Ors. ... Respondents

Mr. Zal Andhyarujina, Senior Advocate a/w Ms. Maithili Parekh i/by Bachubhai Munim & Company for the Applicant/Petitioner.

Mr. Zerick Dastur a/w Ms. Archana Uppuluri & Ms. Tanvi Gaitonde i/by Zerick Dastur for Respondent No.2-CEAT Limited.

Mr. Olive D'Souza for Respondent No.3-MRF Limited.

CORAM : ARIF S. DOCTOR, J.

DATE : 20TH SEPTEMBER 2024

P.C. :

1. The captioned Interim Application is for impleadment, i.e., to add Uzer Ithalat Ihracat San Ve Tic A. S ("Uzer Ithalat") as a party Respondent.

2. Mr. Andhyarujina, Learned Senior Counsel appearing on behalf of the Applicant submits the present Application is necessitated on account of the fact that the Applicant has learnt that Respondent No.3 is proposing/intending to make payments, which were otherwise to be made to Respondent No.1 to that Uzer Ithalat Ihracat San Ve Tic A. S ("Uzer Ithalat"). He submits that this would effectively defeat the orders of this Court, which required Respondent Nos.2 and 3 to give the Petitioner 10 days' notice before making any payments to Respondent No.1. It is thus he submits that the proposed Respondent is a necessary party and that the present amendment is sought for.

3. Learned Counsel appearing on behalf of Respondent Nos.2 and 3 does not oppose to the proposed amendment.

4. The captioned Interim Application has been served upon the proposed Respondent as also Respondent No.1, who have not entered their respective appearance to oppose the same.

5. Thus I find that sufficient case has been made out in the captioned Interim Application to allow the same. Hence, the captioned Interim Application is allowed in terms of prayer clause (a), which reads thus:

“a. This Hon'ble Court be pleased to grant leave to the Applicants to amend the captioned Petition in terms of the Schedule hereto without prejudice to the orders dated 4th May, 2023 (Ex. "A" hereto) and 7th December, 2023 (Ex. "C" hereto);”

6. Amendment to be carried out within a period of one week from today.

7. Interim Application is thus disposed of accordingly.

8. The Commercial Arbitration Petition thus stood over to 17th October 2024.

(ARIF S. DOCTOR, J.)