

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 2758 OF 2024**

IN

COMMERCIAL EXECUTION APPLICATION NO. 67 OF 2023

Urban Infrastructure Real Estate Fund ... Applicant

Versus

Nirmal Lifestyle Limited and others ... Respondents

Mr. Dhiraj Mhetre alongwith Ms. Tamanna Meghrajani instructed by Khaitan Legal Associates, Advocate for the Applicant.

Mr. Kazan Shroff alongwith Mr. Ashok Paranjape and Ms. Simran Surana instructed by MDP Associates for Respondents No. 1 to 3.

**CORAM : ABHAY AHUJA, J.
DATE : 27 NOVEMBER 2024**

PC. :

1. Pursuant to the order dated 16th October 2024, today when the matter is called out, Mr. Mhetre, learned Counsel appears for the Applicant and submits that he has a Certificate from the Registrar of Companies, Republic of Mauritius stating that the Applicant-Fund is in existence. Mr. Mhetre submits that therefore there is no need to file any rejoinder.

2. Mr. Shroff, learned Counsel, appears for the Respondents and submits that he would have had no objection for permitting the

amendment to Column “J”, however since the Applicant-Fund has expired, the Applicant-Fund would not have any existence.

3. Since Mr. Mhetre has tendered across the bar a photocopy of the Certificate from the Registrar of Companies, Republic of Mauritius to submit that the Applicant-Fund is in existence, let the said Certificate be placed alongwith a proper Affidavit in rejoinder by the next date, with a copy to the other side.

4. Mr. Mhetre also submits that there is an Interim Application filed in the Commercial Execution Application inter-alia seeking disclosures from the Respondents and that the same may also be tagged alongwith this matter.

5. Accordingly, list this Application alongwith the Interim Application No. 3576 of 2024 on **27th January 2025**.

6. Let reply to the same and rejoinder also be exchanged/filed by the next date, with a copy to the other side.

(ABHAY AHUJA, J.)