



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.170/2024
(M.V. Rao V M/s Poonam Resorts Ltd and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.T. Purohit, Advocate for petitioner.

CORAM : N.R. Borkar, J.

DATE : 01-10-2024.

This petition takes exception to the order dated 20-01-2023 passed by the learned District Judge-2, Nagpur below Exhibit-45 in Commercial Suit No.32/2018.

ii. I have heard the learned Counsel for the petitioner. In spite of service, none appears for the contesting respondent no.1.

iii. The petitioner is defendant no.6 in the above suit. The very same impugned order was challenged by the defendant no.5 before this Court in Writ Petition No.5984/2023. This Court while allowing the said writ petition by order dated 04-12-2023 has held thus :-

"21. The impugned order dated 20/01/2023 below Exh.45 does not consider the failure of the Court to ensure compliance with the requirement of the mandatory provision of Section 12-A of the C.C. Act, 2015, considering which, the same cannot be sustained

and is hereby quashed and set aside and the application below Exh.45 in the peculiar facts and circumstances as existing in the present matter, is hereby allowed. The learned Commercial Court is directed to take the written statement of the petitioner/defendant no.5 on record and proceed with the matter."

iv. In view of the above, the order impugned to the extent of the present petitioner is also quashed and set aside. The learned Commercial Court shall take the written statement of the present petitioner/defendant no.6 on record and shall proceed further in accordance with the law.

v. The petition is disposed of in the aforesaid terms.

(N.R. Borkar, J.)