

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2369 OF 2025**

Gagan Darsh Ruia ... Petitioner

Vs.

Sangita Ramji Gudhka And Ors. ... Respondents

**WITH
WRIT PETITION NO. 2371 OF 2025**

Asha Tejkumar Ruia ... Petitioner

Vs.

Sangita Ramji Gudhka And Ors. ... Respondents

**WITH
WRIT PETITION NO. 2370 OF 2025**

Vidhi Darsh Ruia ... Petitioner

Vs.

Sangita Ramji Gudhka And Ors. ... Respondents

**WITH
WRIT PETITION NO. 2373 OF 2025**

Hriday Darsh Ruia ... Petitioner

Vs.

Sangita Ramji Gudhka And Ors. ... Respondents

**WITH
WRIT PETITION NO. 2372 OF 2025**

Vibha Aashish Khandelwal ... Petitioner

Vs.

Sangita Ramji Gudhka And Ors. ... Respondents

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Mr. Vijay Vasant Nene for the Petitioner.

Ms. Hetal Patel a/w Suraj Shetye a/w Hemanshu Vyas for Respondent No.1 in all Petitions.

CORAM : GAURI GODSE, J.

DATED : 26th AUGUST 2025

ORDER:

1. These petitions are filed by defendant nos.2, 7 to 10 to challenge their separate applications for deleting them as party defendants on the ground that they have been unnecessarily dragged in the suit. The suit is a commercial summary suit filed for recovering the amount from the defendants.

2. By the impugned order, these applications are rejected by holding that the ground of defence raised as to whether defendant nos.2 and 7 to 10 are directors of the company or not and whether they are answerable to the claim of the plaintiff or not, would be the subject of the trial. Hence, at a preliminary stage, the trial Court has refused to consider the prayer of the petitioners to delete them as party defendants.

3. The learned Judge has kept the liberty to these petitioners open to raise all the defences at the appropriate stage of the trial. The summons for judgment taken out by the plaintiff is still pending.

These petitioners have filed application for leave to defend by filing their respective affidavits. These petitioners have raised all these grounds about misjoinder of parties in their respective replies to the summons for judgment.

4. Hence, I do not see any reason to entertain these petitions for deletion of the petitioners at this preliminary stage. There is no illegality or perversity in the reasons recorded in the impugned order. The learned Judge has also kept the liberty open to the petitioners to raise the defence at appropriate stage. Hence, no prejudice is caused to the petitioners.

5. This is not a fit case to interfere with the impugned order in exercise of the discretionary jurisdiction under Article 227 of the Constitution of India.

6. The Writ Petitions are dismissed.

7. It is clarified that rival contentions of the parties shall remain open to be decided in the suit.

8. The petitioners are at liberty to the raise grounds in this petition as grounds of defence in the suit.

(GAURI GODSE, J.)