

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7888 OF 2025

Poonam Singh ... Petitioner

V/s.

M/s Laptech the IT Score and Ors. ... Respondents

Mr. Joel Carlos with Sanjana Shivkar, for the petitioner.

Mr. Rajesh Doshi with Neha Doshi i/by Legal Juris, for the respondent no. 1.

Mr. Mohan Tekavde with Mrudula Kadam, i/by ADI Legal, for respondent nos. 2,4, 5 and 6.

CORAM : N.J. JAMADAR, J.

DATE : 12TH NOVEMBER 2025.

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1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 28th March 2025, passed by the learned Judge, City Civil Court, whereby the Notice of Motion taken out by the petitioner seeking dismissal of Notice of Motion No. 3133 of 2024 filed by the plaintiff in Suit No.46 of 2022 as well as dismissal of the Commercial Suit No. 46 of 2022, qua the petitioner/respondent no. 4 in Notice of Motion No. 3133 of 2024 was declined to be registered.

3. Notice of Motion No.3133 of 2024 is taken out by the plaintiff to initiate an enquiry under Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ 195 of the Code of Criminal Procedure, 1973.

4. Learned Judge, City Civil Court was of the view that the petitioner, who is impleaded as respondent no. 4 in Notice of Motion No.3133 of 2024 ought to have filed reply in the said Notice of Motion and opposed the prayer therein. Since the petitioner is being heard in the said Notice of Motion, in the view of the learned Judge, City Civil Court, registration of a separate Notice of Motion was not warranted.

5. The enquiry seems to be under Section 379 of Bharatiya Nagarik Suraksha Sanhita, 2023/ 340 of the Code of Criminal Procedure, 1973.

6. The petitioner is made a party in Notice of Motion No. 3133 of 2024 and is being heard.

7. In that background, the learned Judge could not have declined to register the Notice of Motion. The petitioner may not succeed in Notice of Motion which the petitioner has taken out. However, that cannot be the parameter on which the Court can decline to register the Notice of Motion. The merits of the prayer in the Notice of Motion would be a matter for determination after the Notice of Motion is registered and

taken up by the Court.

8. In this view of the matter, the learned Judge, City Civil Court is requested to register the Notice of Motion taken out by the petitioner.

9. Learned Judge, City Civil Court, is also requested to hear and decide the Notice of Motion No. 3133 of 2024 as expeditiously as possible.

10. Petition stands disposed.

(N.J. JAMADAR, J)