

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13149 OF 2025

Advait Suresh Chaturvedi and ors. ...Petitioners

Versus

DSV Air and Sea Private Limited ...Respondent

Mr. P. G. Sabnis, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 14th OCTOBER, 2025

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SUBHASH
KULKARNI

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Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 28th June, 2025 passed by the learned Judge, City Civil Court, Bombay at Mazgaon, whereby a Notice of Motion taken out by the petitioners for rejection of the plaint under the provisions of Order VII Rule 11(a) of the Code of Civil Procedure, 1908 came to be dismissed.
3. The principal contention of the petitioners is that, the petitioners are the Directors of defendant No.1 Company and they should not have been impleaded as party defendants to the suit in view of the commercial transactions between the plaintiff and defendant No.1, a corporate entity.

4. What the petitioners sought is the rejection of the plaint qua the petitioners – defendant Nos.2 to 4. A plaint cannot be rejected in part. *[Sejal Glass Limited vs. Navilan Merchants Private Limited¹]*. The appropriate remedy for the petitioners is to seek the deletion of the petitioners from the array of the parties under the provisions of Order I Rule 10(2) of the Code.

5. When the Court expressed the aforesaid view, the learned Counsel for the petitioners seeks leave to withdraw the petition with liberty to file an application for deletion of defendant Nos.2 to 4 from the array of the defendants.

6. Leave granted with liberty as prayed for.

7. In the event, such application is filed, the learned Judge, City Civil Court, is requested to decide the same on its own merits and in accordance with law.

[N. J. JAMADAR, J.]

¹ (2018) 11 Supreme Court Cases 780.