

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 4474 OF 2022

IN

SUIT NO. 1054 OF 2018

Sohrab Kekoo Nicholson and another ... Applicants

In the matter between :

Sohrab Kekoo Nicholson and another ... Plaintiffs

Versus

Selvel Publicity and Consultants Pvt. Ltd. and others ... Defendants

And

Khushroo Driver ... Respondent

WITH

INTERIM APPLICATION NO. 3544 OF 2024

IN

SUIT NO. 1054 OF 2018

Farhan Mehermash Ichhaporia ... Applicant

In the matter between :

Sohrab Kekoo Nicholson and another ... Plaintiffs

Versus

Selvel Publicity and Consultants Pvt. Ltd. and others ... Defendants

And

Khushroo Driver ... Respondent

.....

Mr. Zal Andhyarujina, Senior Advocate alongwith Mr. Aurup Dasgupta, Ms. Ishani Khanwilkar, Ms. Drshika Hemnani and Ms. Prapti Bhadra instructed by M/s. Jhangiani, Narula & Associates, Advocate for the Applicants in IA-4474-2022.

Ms. Nelly Mehta instructed by NMA Legal, Advocate for the Respondent in IA-4474-2022.

Mr. Abhinav Chandrachud alongwith Mr. Preet Chheda instructed by Mr. Yogendra Kanchan, Advocate for Defendants No.1, 4 and 5 in Suit and for Respondents No.1, 4 and 5 in IA-4474-2022.

Mr. Anupam Surve alongwith Ms. Nikita Vardhan, Ms. Vidyashree Perla instructed by Kanga & Company, Advocate for Defendant No.2.

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CORAM : ABHAY AHUJA, J.

DATE : 9 JANUARY 2025

PC. :

INTERIM APPLICATION NO. 4474 OF 2022 :

1. This Interim Application inter-alia seeks a declaration that Defendant No.1 through Defendants No.2, 4 and 5 are in willful and deliberate breach of ad-interim order dated 12th July 2018 passed in Notice of Motion No. 1923 of 2018 by failing to disclose on Affidavit the fact that the Defendant No.1 had created a lien on its fixed deposits for a loan obtained from the HDFC Limited. It is submitted that the pleadings in this Interim Application are complete and that the same be heard.

INTERIM APPLICATION NO. 3544 OF 2024 :

2. This Interim Application has been filed by Defendant No.6 challenging the maintainability of Interim Application No.4474 of 2022.

3. Mr. Andhyarujina, learned Senior Counsel appearing for the Plaintiff in the Suit submits that he has instructions not to file reply to the same as the same is not necessary.

4. Mr. Andhyarujina however submits that the Interim Application No. 4474 of 2024 be heard first.

5. List both the Interim Applications for hearing on **6th February 2025.**

(ABHAY AHUJA, J.)