

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 69 OF 2016

J.V. Gokal Charity Trust and others ... Plaintiffs

Versus

Contrex Pvt. Ltd. and others ... Defendants

WITH

INTERIM APPLICATION NO. 200 OF 2025

APPEAL NO. 106 OF 2017

CHAMBER SUMMONS NO. 884 OF 2019

LEAVE PETITION NO. 141 OF 2015

IN

SUIT NO. 69 OF 2016

.....
Ms. Nisha Shah instructed by Mr. Kalpesh Joshi Associates, Advocate for the Plaintiffs/Applicants.

Mr. Nikhil Ghate, Advocate for the Original Plaintiff No.3 & Proposed Defendant No.9.

Ms. Drshika Hemnani instructed by M/s. Jhangiani, Narula & Associates, Advocate for Defendants No.2 and 3.

Mr. Netaji Gawade instructed by M/s. Sanjay Udeshi & Co., Advocate for the Defendants No.4 & 5.

.....

CORAM : ABHAY AHUJA, J.

DATE : 3 APRIL 2025

PC. :

Interim Application No.200 of 2025 :

1. Today when the matter is called out, a strange situation has arisen, Mr. Ghate, learned Counsel, appears and submits that he has instructions to appear on behalf of the original Plaintiff No.3 viz. Kishor Jagjivan Gokal. However, he submits that he has been given a no

objection certificate by M/s. Dastur Kalambi & Associates and that some time be granted to file vakalatnama on behalf of original Plaintiff No.3.

2. Ms. Shah, learned Counsel, appears for the Applicants in the Interim Application and submits that M/s. Dastur Kalambi & Associates are Advocates for Defendants No.6, 7 & 11 and not for Plaintiff No.3. Ms. Shah further submits that the Advocate for Plaintiff No.3 need not be served, in as much as, she is only representing Plaintiff No.3.

3. Ms. Shah submits that earlier the Advocate for Defendant No.9 has already given no objection for the original Defendant No.9 to be transposed as Plaintiff No.3 and that this Interim Application had earlier been served on M/s. Chitnis & Co., the erstwhile Advocates for Defendants No.8 and 9.

4. Let Mr. Ghate, firstly file vakalatnama during the course of this week.

5. It is observed also from order dated 23rd February 2025 that this Court had directed that the Interim Application be served on Plaintiff No.3 and an Affidavit of service be filed in this regard.

6. Ms. Shah has today defended non-compliance of the said order, submitting that no service needs to be effected on Plaintiff No.3 as she is representing the Plaintiff No.3.

7. Be that as it may, in view of the fact that despite orders of this Court, Plaintiff No.3 has not been served, Registry is directed to issue notice to the Plaintiff No.3 to remain personally present in Court on the next date.

8. List on **5th May 2025 on the Supplementary Board.**

(ABHAY AHUJA, J.)