

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL SUMMARY SUIT NO. 137 OF 2021

Kamakhya Devi Stock and Investment Private Limited ... Plaintiff

Versus

Vasudha Resources Private Limited and others ... Defendants

WITH

INTERIM APPLICATION NO. 493 OF 2025

INTERIM APPLICATION NO. 91 OF 2022

INTERIM APPLICATION (L) NO. 7431 OF 2025

IN

COMMERCIAL SUMMARY SUIT NO. 137 OF 2021

.....

Mr. Akshay Patil alongwith Ms. Devika Madekar instructed by Mr. Mayur Thorat, Advocate for the Plaintiff.

Mr. Nagendrakumar Dubey alongwith S.S. Dube, Advocate for the Defendants No.2 to 5.

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CORAM : ABHAY AHUJA, J.

DATE : 27 MARCH 2025

PC. :

1. Pursuant to the order dated 6th March 2025, today when the matter is called out, Mr. Patil, learned Counsel, appears for the Plaintiff and clarifies that the reason why the vakalatnama has been filed on behalf of Defendants No.2 to 4 on 16th December 2021 is because that was in response to the private service and it is correct that the writ of summons had been issued on 12th January 2022 and has been served on 9th February 2022.

2. Mr. Patil having clarified the apparent anomalous situation as recorded in order dated 6th March 2025, this Court deems it appropriate to proceed with the hearing of the two Applications.

3. However, Mr. Dubey, learned Counsel, appearing for the Defendants No.2 to 4 submits that Interim Application (L) No.7431 of 2025 has been filed on behalf of Defendants No.2 to 4 under Order VII Rule 11 of the Code of Civil Procedure, 1908 seeking rejection of the Plaint. Mr. Dubey also submits that the said Application has already been served upon the Plaintiff and that the said Application be heard before the other Interim Application can be heard. Mr. Patil seeks some time to file reply to the same.

4. Let reply to the Interim Application (L) No.7431 of 2025 be filed within a period of two weeks, with a copy to the other side. Rejoinder in two weeks thereafter, with a copy to the other side.

5. List on **30th April 2025**.

6. Let office objections to the Interim Application (L) No. 7431 of 2025 be removed and registered number be obtained by the next date, failing which the Interim Application to stand dismissed without further reference to the Court.

(ABHAY AHUJA, J.)