

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 533 OF 2014**

M/s Bhagwati Builders and Developers ... Plaintiff

Versus

1a. Anil Kumar Hirjee and others ... Defendants

**WITH
INTERIM APPLICATION NO. 3436 OF 2025
INTERIM APPLICATION NO. 3433 OF 2025**

**IN
SUIT NO. 533 OF 2014**

.....

Mr. S. Xavier Fernandes, Advocate for the Plaintiff.
Mr. Aayush Barat instructed by Mr. Mahernosh Humranwala, Advocate
for the Defendant No.2.

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**CORAM : ABHAY AHUJA, J.
DATE : 4 SEPTEMBER 2025**

P.C. :

1. When the matter is called out, Mr. Fernandes, learned Counsel, appears for the Plaintiff and submits that the two Interim Applications have been taken out, one for seeking extension of four weeks' time to file evidence and documents and the other for impleading the trustees who have ceased to be trustees or who have passed away.

2. Mr. Barat, learned Counsel, appears for the Defendants and submits that none of the two Applications have been served upon him. Mr. Barat also submits that despite imposition of costs for non-filing of evidence and documents, once again an application has been taken out for this and that this Court once again impose heavy costs in the event this Court is inclined to allow the Interim Application No.3433 of 2023.

3. It is observed that on 13th June 2025, the following order was passed :

1. When the matter is called out, Mr.Gaurav Pandey, learned Counsel, appears through video conferencing for the Plaintiff and once again seeks time to file list of witnesses, Affidavit in lieu of examination-in-chief of its witnesses along with Compilation of documents and index.

2. Mr.Aayush Barat, learned Counsel, appears for the Defendant no.2 and submits that the Plaintiff has failed to comply with the order of this Court for almost two years now and that this Court may impose costs before granting any further time. Mr.Barat also submits that three Trustees of the Defendant no.2 Trust have ceased to be Trustees and that although the Plaintiff has been intimated of the same in the past, however, no steps have been taken.

3. Accordingly, subject to payment of costs of Rs.25,000/- to the High Court Employees' Medical Welfare Fund at Mumbai within a period of two weeks, let the Plaintiff file list of witnesses, Affidavit in lieu of examination-in-chief of its witnesses along with Compilation of documents and index and serve the same on the Defendants within a period of four weeks.

4. Discovery and inspection to be completed in two weeks.

5. The Defendants to file Statement of admission and denial in two weeks thereafter.
 6. List for marking of Plaintiff's documents on 12th August 2025.
 7. Let the Plaintiff's witness remain present in Court on the next date.
 8. In the meanwhile, the Plaintiff is also directed to take appropriate steps to implead the current Trustees of the Defendant no.2.
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4. Let both Interim Applications be served upon the Defendants during the course of the day.
 5. Let the Defendants file reply to the said Applications, within a period of two weeks, with copy to the other side. Rejoinder be filed in two weeks thereafter, with copy to the other side.
 6. List on **9th October 2025 on the Supplementary Board.**

(ABHAY AHUJA, J.)