

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 3518 OF 2025
IN
SUIT NO. 99 OF 2022

Rajen Kirtanlal Shah & Anr.

...Applicants/
Plaintiffs

Versus

Ullas Pandya & Ors

...Defendants

Mr. Prathamesh Kamat, a/w Nakul Jain, Viraj Manir, Sneha Patil, i/b Maniar Srivastava Associates, for the Applicants/Plaintiffs.

Mr. Benny Joseph, a/w Ganesh Lambade, Usama Shaikh, i/b BJ Law Offices LLP, for Defendant No.20.

Mr. Dinesh Prakash Gochiya, for Defendant No.38.

Mr. Amit Singh, a/w Saba Shaikh, Ashlesha Suryawanshi, i/b Abhay Nevagi & Associates, for Defendant No.43.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 3, 2025

ORDER :

1. This is a pre-trial amendment seeking to add new Defendants on the basis of subsequent developments that have taken place by reason of findings in police investigations that have become available.

2. Proposed Defendant No.65, the Reserve Bank of India (“**RBI**”), has filed a reply objecting to being impleaded as a party on the

premise that the RBI is neither a necessary party nor a proper party. This is countered by Learned Advocate for the Plaintiffs by drawing reference to the prayer clause (b), which has been made to direct Defendant No.43, HDFC Bank Ltd. to hand over to the Plaintiffs or any other fit and proper person, the original and certified copies of all cheques and other instruments, vouchers, forms and relevant records relating to the fraudulent transfers which are impugned in the said Suit.

3. There is no statutory ouster of jurisdiction of civil courts in legislation governing the RBI. Typically, provisions ousting the jurisdiction of civil courts from dealing with issues relating to regulatory work are found in legislation where some other forum, say a tribunal or appellate authority, is granted exclusive jurisdiction on some matters. The jurisdiction of courts is ousted on entertaining matters that are covered by such exclusive jurisdiction. There is no such provision in connection with RBI.

4. In these circumstances, taking on board the fact that the amendments are essentially at a pre-trial stage, there is no reason not to allow them. The amendments may be classified into the categories of: (i) change of address of certain Defendants; add Defendant Nos.46 to 65 which except for Defendant No.65 are persons who have been named in

the charge-sheet filed pursuant to investigation into the very same bank transfers forming subject matter of the suit; and other consequential pleadings. These amendments are hereby allowed, being pre-trial amendments, and taking note of the Plaintiff right as *dominus litis* to prosecute the suit in the manner he chooses. The events in question are subsequent to the filing of the Plaint and it is appropriate to allow them.

5. Learned Advocate for RBI also submits that RBI could have been made a party in the first instance and the amendment to bring in the RBI is an afterthought. He submits that the amendment to allow RBI to be made a party should not come in the way of the RBI's rights in law to file any application to be struck off from the array of parties is so advised or to file any application under Order VII, Rule 11 of the Code of Civil Procedure, 1908 insofar as the suit relates to the RBI. Needless to say, any party may file such applications as advised and the same will be considered on merits. At this stage, the amendments are simply being allowed as the entitlement of the Plaintiff to do so, and the amendments would only put the other parties to notice of how the Plaintiff seeks to prosecute the suit.

6. In these circumstances, the Interim Application is ***allowed*** and the amendments may be carried out.

7. Learned Advocate for the Plaintiffs undertakes to file the amended plaint on all the Defendants within a period of two weeks from the date of upload of this order on this Court's website. Written statement may be filed by any of the Defendants within a period of three weeks from the receipt of the amended plaint.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]