

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION NO. 4016 OF 2025

IN

SUIT NO. 3219 OF 2010

GOKUL CONSTRUCTION COMPANY

)...APPLICANT

V/s.

MOHAMMED AZIMUDDIN SODAWALA AND ORS.)...RESPONDENTS

WITH

INTERIM APPLICATION NO. 4017 OF 2025

IN

SUIT NO. 2532 OF 2012

Mr.Piyush Raheja a/w. Mr.Akshay Loya, Ms.Jyoti Ghag, Mr.Ankit Singhal, Mr.Shailesh Prajapati, Mr.Rajesh Thakrar i/by Dua Associates, Advocate for the Applicant in IA/4016/2025 and for the Plaintiff in S/3219/2010 and S/2532/2012.

Mr.Yohan Mehta i/by M/s.Divekar Bhagwat & Co., Advocate for the Defendant no.54.

Mr.Maulik Tanna, Advocate for the Defendants no.1 to 27.

CORAM : ABHAY AHUJA, J.

DATE : 26th AUGUST 2025

PC. :

1. Pursuant to order dated 12th August 2025, today when the matter is called out, Mr.Raheja, learned Counsel, appears for the Plaintiff and points out that although this Court had in paragraph 6 of the order recorded that none appears for the Defendants no.28 to 53, however, in

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the appearances it is shown that one Mr.Tejas Sanghrajka with Mr.Kayval Shah and Ms.Dhwani Vora have appeared for Defendants no.29a to 53.

2. While this Court does not intend to institute any enquiry into the matter, but suffice it to record that after the Court has recorded in the order that none appears for certain Defendants, the Advocates statedly appearing for the Defendants no.29a to 53 have had the audacity to give their appearances while not remaining present at the time when the matter was called out. The aforesaid observations find credence as today when the matter is called out, none appears for the Defendants no.28 to 53.

3. Mr.Raheja points out that actually none appears for the Defendants no. 28 and 29 as Defendants no.28 and 29 have been deleted.

4. This Court is grateful to Mr.Raheja for pointing this out.

5. Mr.Raheja also seeks to tender across the bar an Affidavit of service with respect to service by email to the Advocate for the

Defendants no.29a to 53. This Court is unable to accept the said Affidavit of service as none appears today for the Defendants no.28 to 53 or even for the Defendants no.29a to 53.

6. Let service to the said Defendants be effected through Indian Postal System and an appropriate Affidavit of service be filed.

7. List on **26th November 2025**.

8. This Court also directs that after the hearing of any matter is over, the Court Associates not to accept any further appearances and if no appearance is given, the stenographer/personal assistant/private secretary to type out/transcribe the orders without such appearances and clearly state that no appearance was given for the concerned party.

(ABHAY AHUJA, J.)