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

**INTERIM APPLICATION NO. 4021 OF 2025
IN
COMMERCIAL APPEAL (L) NO. 21405 OF 2025**

Tejas K. Shah & Ors. .. Applicants

In the matter between:

Shailesh Nagindas Shah & Ors. .. Appellants

Versus

Rubi Ventures Pvt. Ltd. & Ors. .. Respondents

Mr. Rajiv Narula with Mr. Pritesh Patel i/by Jhangiani Narula & Associates for applicants.

Ms. Gauri Mestha i/by L. J. Law for respondent no.1.

Ms. Aneesa Cheema with Mr. Arjun Divekar and Mr. Reetam Joshi i/by Divekar and Co. for respondent no.5.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 6th AUGUST, 2025

P.C.:

1. Heard on Interim Application No. 4021 of 2025, an application seeking leave to appeal as well as condonation of delay in filing the appeal under Section 13 (1-A) of the Commercial Courts Act, 2015 against the order dated 11th December, 2024 passed by the learned Single Judge in Interim Application (Lodging) No. 27637 of 2021 in Notice of Motion No. 1939 of 2018 in Commercial Suit No. 1190 of 2018.

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2. We have heard the learned counsel for the parties at length.

3. Admittedly, the applicants are not party either to the Commercial Suit No. 1190 of 2018 or order dated 11th December, 2024 passed by the learned Single Judge. It is pertinent to note that defendant no.1, being aggrieved by the aforesaid order dated 11th December, 2024 had filed Commercial Appeal (L) No. 2647 of 2025 and Commercial Appeal (L) No. 2721 of 2025. A Division Bench of this Court vide order dated 21st February, 2025 has dismissed the aforesaid appeals and has confirmed the order dated 11th December, 2024.

4. It is also pertinent to note that against the aforesaid order dated 21st February, 2025, the defendant no.1 preferred SLP, namely, Special Leave Petition © No. 16835 of 2025, which has been dismissed on 18th July, 2025 by the Supreme Court. Therefore, this Court in an appeal filed by the third party cannot take a different view.

5. For the aforesaid reasons, we are not inclined to grant leave to the applicants to file appeal. Accordingly, Interim Application No. 4021 of 2025 is rejected. Consequently, Commercial Appeal (L) No. 21405 of 2025 stands disposed of. However, liberty is reserved to the applicants to take recourse to such remedy as may be available to them in law.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)