

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 5034 OF 2025
IN
COMMERCIAL SUMMARY SUIT NO. 482 OF 2019

ABAN OFFSHORE LIMITED)...APPLICANT

IN THE MATTER BETWEEN

BANK OF BARODA)...PLAINTIFF

V/s.

ABAN OFFSHORE LIMITED)...DEFENDANT

WITH
NOTICE OF MOTION NO. 1328 OF 2019
IN
COMMERCIAL SUMMARY SUIT NO. 482 OF 2019

Mr.Kunal Mehta a/w. Mr.Surya Kale and Ms.Lillyan Thangkhiew i/by
M/s.Vesta Legal, Advocate for the Applicant/Defendant.

Ms.Niyati Merchant i/by MDP Legal, Advocate for the Respondent
/Plaintiff.

CORAM : ABHAY AHUJA, J.

DATE : 3rd DECEMBER 2025

P.C. :

1. This Interim Application seeks to recast Issue no.1 to the extent that the said issue casts a burden on the Defendant to prove that the Suit is barred by limitation.

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2. Mr.Mehta, learned Counsel, appears for the Applicant / original Defendant and submits that the burden on the Defendant appears to be an error, and therefore, this application has been filed to recast the issue on limitation framed on 11th September 2024.

3. Ms.Niyati Merchant, learned Counsel, appearing for the Plaintiff – bank has no objection if the said application is allowed.

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the Interim Application be allowed in terms of prayer clause (a) which reads thus :

“(a) That the Hon'ble Court be pleased to recast the issues framed on 11th September 2024 and to amend the issues enumerated in paragraph 16 hereinabove.”

5. Let the Issue no.1 framed on 11th September 2024 read as under:

1. Whether the Plaintiff proves that Suit is not barred by limitation ?

6. Rest of the issues remain as it is.

7. The Interim Application, accordingly, stands allowed and disposed as above.

8. As regards marking of documents is concerned, Ms.Merchant appearing for the Plaintiff submits that the concerned witness is not present in Court as he is likely to be transferred.

9. List on **4th February 2026** for further marking of Plaintiff's documents.

10. Let the Plaintiff's witness remain present in Court on the next date.

(ABHAY AHUJA, J.)