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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL SUIT NO. 271 OF 2022

Ocean Deity Investment Holdings Ltd.,
PCC and another ... Plaintiffs

Versus

Sarang Wadhawan and others ... Defendants

WITH

INTERIM APPLICATION (L) NO. 29424 OF 2025

INTERIM APPLICATION NO. 4345 OF 2025

INTERIM APPLICATION NO. 4403 OF 2022

INTERIM APPLICATION NO. 4408 OF 2022

IN

COMMERCIAL SUIT NO. 271 OF 2022

WITH

COMMERCIAL SUIT NO. 328 OF 2022

WITH

INTERIM APPLICATION (L) NO. 2518 OF 2020

INTERIM APPLICATION (L) NO. 2520 OF 2020

IN

COMMERCIAL SUIT NO. 328 OF 2022

WITH

COMMERCIAL SUIT NO. 297 OF 2022

WITH

INTERIM APPLICATION (L) NO. 2554 OF 2020

INTERIM APPLICATION NO. 4711 OF 2022

IN

COMMERCIAL SUIT NO. 297 OF 2022

.....

Mr. Siddharth Ranade alongwith Mr. Prakshal Jain, Ms. Arunima Athavale and Ms. Mahima Tahiliani instructed by Trilegal, Advocate for the Applicants in COMS-271-2022, COMS-297-2022, COMS-328-2022.

Mr. Aditya Shirke instructed by Mr. Arjun Yadav, Advocate for the Defendant No.3 in COMS-271-2022, 297-2022 and 328-2022.

Mr. Shanay Shah instructed by Mr. Kevin Pereira, Advocate for the Defendant No.5 in COMS-271-2022.

Ms. Priyam Amin alongwith Ms. Aditi Karanjkar instructed by Mr. Nainesh Amin for N.N. Amin & Co., Advocate for the Defendant No.5 in COMS-328-2022.

Mr. Sumeet Nayak instructed by SMJ Legal, Advocate for the Defendants No.5 and 6 in COMS-297-2022.

Mr. Smeet Talati, Advocate for the Defendant No.1 in all the Suits.

Mr. Mayur, legal representative of Defendant No.5 in COMS-271-2022.

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CORAM : ABHAY AHUJA, J.

DATE : 30 SEPTEMBER 2025

PC. :

Interim Application No.4345 of 2025 & Interim Application No.5693 of 2025 (Interim Application (L) No. 29424 of 2025) in Commercial Suit No. 271 of 2022 :

1. The learned Counsel are *ad-idem* that in view of the settled position of law, the said Applications are not maintainable.
2. Accordingly, the said Interim Applications stand disposed.

Commercial Suit No.271 of 2022 :

3. Mr. Ranade, learned Counsel, appears for the Plaintiffs and submits that since no written statement has been filed, this Court may

list the matter for orders under Order VIII Rule 10 of the Code of Civil Procedure, 1908 (the “CPC”).

4. It is provided that where any party from whom the written statement is required under Order VIII Rule 9 fails to present the suit within the time permitted or fixed by the Court, the Court shall pronounce the Judgment against him or make such order in relation to the suit as it thinks fit. Since no written statement has been filed and the suit is to proceed as an undefended suit, this Court directs the Plaintiffs to file Affidavit in lieu of examination-in-chief of the Plaintiffs’ witness alongwith affidavit and compilation of documents within a period of four weeks, with copy to the other side alongwith list of witnesses.

5. Discovery and inspection to be completed within a period of two weeks thereafter.

6. Let statement(s) of admission and denial be filed within a period of two weeks thereafter.

7. List for marking of Plaintiffs’ documents on 2nd December 2025.

8. Let the Plaintiffs’ witness remain present in Court on the next date.

9. Since this is a Commercial Suit, that any request for time by any of the parties will entail costs.

Commercial Suit No.328 of 2022 :

10. Mr. Ranade, learned Counsel, appears for the Plaintiffs and submits that since no written statement has been filed, this suit also may be treated as an undefended suit. However, Ms. Amin, learned Counsel appearing for the Defendant No.5 submits that two Interim Applications for seeking condonation of delay in filing written statement and the other for rejection of plaint under Order VII Rule 11 of the CPC have been filed, but the same are not on board and for which circulation would be sought separately.

11. Accordingly, list this Suit also on **2nd December 2025** under the caption 'for directions'.

12. It is observed that there are two Interim Applications, viz. Interim Application (L) No.2518 of 2020 and Interim Application (L) No.2520 of 2020 taken out by the Plaintiff in the Suit, which are on lodging number.

13. Let registered numbers be obtained to the said two Interim Applications within a period of three weeks, failing which the Interim Applications to stand dismissed without further reference to this Court

and not to be listed on the next date if registered numbers are not obtained.

Commercial Suit No.297 of 2022 :

14. Mr. Ranade, learned Counsel, appearing for the Plaintiffs submits that this Suit also may also be treated as undefended Suit as no written statement has been filed within the stipulated period.

15. Mr. Nayak, learned Counsel, appearing for the Defendants No. 5 and 6 submits that no writ of summons have been received by Defendants No. 5 and 6 and appropriate Interim Applications would be filed and that no directions be given until the said Interim Applications are heard and decided. Accordingly, list this Suit also under the caption 'for Directions' on **2nd December 2025**.

16. It is observed that there is an Interim Application (L) No. 2554 of 2020 in the Suit filed by the Plaintiffs, which is on lodging number. Let registered numbers be obtained to the said Interim Application within a period of three weeks, failing which the Interim Application to stand dismissed without further reference to this Court and not to be listed on the next date if registered number is not obtained.

(ABHAY AHUJA, J.)