

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

COMMERCIAL SUIT NO. 148 OF 2021

Ocean Deity Investment Holdings Ltd And Anr.

...Plaintiffs

Versus

Sarang Wadhawan And Ors

...Defendants

WITH
INTERIM APPLICATION NO. 8058 OF 2025
WITH
INTERIM APPLICATION (L) NO. 2503 OF 2020
WITH
INTERIM APPLICATION (L) NO. 2502 OF 2020
IN
COMMERCIAL SUIT NO. 148 OF 2021

Mr. Prakshal Jain, Arunima Athavale, Neeraja Barve, Mahima Tahiliani i/b
Trilegal for the Plaintiff.

Mr. Amir Arsiwala a/w Mahesh Govalkar and Darsh Chauhan i/b Singhania
Legal Services for the Defendant No.6.

Mr. Ayush Tiwari i/b Mr. Ayush Tiwari for Respondent Nos. 7, 8 and 10.

CORAM : ARIF S. DOCTOR, J.
DATE : 22nd DECEMBER, 2025

P.C.

1. Learned counsel for the Plaintiff submits that, all the Defendants have been served except Defendant No.3. He points out that though Defendant No.8 had not been served, a written statement has been filed with Application for

condonation of delay. He today thus invites my attention to the affidavit of one Mr. Shivnan Pujari, which sets out the steps taken by the Plaintiff to serve the Defendant No. 3, I have perused the same. He points out that despite best efforts, the Defendant No. 3 has not been served and thus prays for issuance of a fresh writ of summons to serve Defendant No.3. It is his submission that the Defendant No.3 in fact appears in various other legal proceedings and it is thus clearly evading service, according to the averments made in the affidavit of Mr. Shivnan Pujari dated 15th December, 2025.

2. The Registry is directed to re-issue writ of summons for service on Defendant No. 3.

3. Having due regard to the averments made in the said affidavit, the Plaintiff shall endeavor to serve the writ of summons physically as also by way of substituting summons by affixing a copy on the last known address. Issue notice returnable on **2nd February, 2026**.

4. Learned counsel for the Plaintiff prays for and is granted two weeks to file Additional affidavit.

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5. The Interim Application No. 8058 of 2025 seeks condonation of delay in filing the Written Statements of Defendant Nos. 7, 8 and 10.

6. Learned counsel for the Plaintiff does not wish to file affidavit in reply, however, points out that the explanation for the delay is not adequate. However, having due regard to the submissions made in the Interim Application and noting the fact that it is not in dispute that the said delay is within 120 days time

period, in my view, the substantive interest of justice would best be served if the delay is condoned. It is also pointed out that the suit is of the year 2021, however, the Plaintiffs have only served the writ of summons in 2025. Having due regard to this, though I was inclined to grant an order of costs, I am not doing so, because clearly the Plaintiff has taken it's own sweet time in prosecuting the suit.

7. Time for e-file the written statement is extended by a period of two weeks from today
8. Registry is directed to accept the hard copy of the written statement.
9. The Interim Application No. 8058 of 2025 is accordingly disposed of.

[ARIF S. DOCTOR, J.]