

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 816 OF 2024

Sh. Sanjay Aggrawal

Vs.

M/s. Poonam Resorts Ltd., Nagpur, through its Directors and others

WITH

WRIT PETITION NO. 824 OF 2024

Sh. Vipul Singla

Vs.

M/s. Poonam Resorts Ltd., Nagpur through its Directors and others

WITH

WRIT PETITION NO. 815 OF 2024

Sh. Rajwant Sheikher Bhat

Vs.

M/s. Poonam Resorts Ltd., Nagpur through its Directors Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.T. Purohit, Advocate for petitioners

Shri Parth Malviya, Advocate for respondent Nos.1 & 7

CORAM : SMT M.S. JAWALKAR, J.

DATE : 10/01/2025

Present writ petitions are filed challenging the order passed by District Judge – 2 dated 20/01/2023, below Exh.45, thereby refusing permission to file written statement on record after 120 days. This Court in Writ Petition No. 5984/2023, filed by defendant No.5 vide order dated 04/12/2023 has held as under :

“The impugned order dated 20/01/2023 below Exh.45 does not consider the failure of the Court to

ensure compliance with the requirement of the mandatory provision of Section 12-A of the C.C. Act, 2015, considering which, the same cannot be sustained and is hereby quashed and set aside and the application below Exh.45 in the peculiar facts and circumstances as existing in the present matter, is hereby allowed. The learned Commercial Court is directed to take the written statement of the petitioner/defendant No.5 on record and proceed with the matter.”

2. Same is relied in Writ Petition No. 170/2024 filed by defendant No.6. As such, the same order is under challenge in the present writ petitions. In view of the order passed by this Court, in my considered opinion, no other view can be taken. As such, the order passed by learned District Judge -2, below Exh. 45, is hereby quashed and set aside

3. The learned District Judge – 2 Commercial Court, is hereby directed to accept the written statement. The learned Commercial Court shall take written statement on record of the defendant Nos.2, 3 & 4 and shall proceed further in accordance with the law.

4. Petitions stand disposed of in the above terms.

(SMT M.S. JAWALKAR, J.)