

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7656 OF 2024
IN
COMMERCIAL APPEAL FROM ORDER NO. 7 OF 2024**

M/s. Trimos Metrology (i) Private Limited

Thr. Mr. Vivit Vikram Dalal

...Applicant

Versus

Trimos Sa Thr. Poa. Mr. Natarajan Ramaswamy Iyer

...Respondent

**WITH
COMMERCIAL APPEAL FROM ORDER NO. 7 OF 2024 (NOB)**

Mr. Hiren Kamod a/w Prem Khullar, Usha Chandrasekhar, Asmita Shinde,
Rajamathangi and Ritik Gupta i/by Suvarna Joshi for the Applicant.

Mr. Rashmin Khandekar a/w Anand Mohan i/by Abid Mulani, Ashish
Agarkar and Harshada Parbhane for the Respondent.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 12TH MARCH, 2026

PC:-

1. Having heard the learned counsel for the parties for some time, they fairly agree to the following order being passed:-
2. The Impugned Order below Exhibit 5 dated 9 January 2024 is set aside.
3. The Exhibit 5 application shall be heard afresh by the Trial Court, prior to which the Plaintiff is at liberty to take out an appropriate application for joinder of the joint venture company of the Respondent, namely, Trimos India Pvt. Ltd. on the ground that it is a necessary and/or a

proper party to the proceedings. Such Application when filed shall be considered by the Trial Court on its own merits and in accordance with law, preferably within a period of two weeks therefrom.

4. We make it expressly clear that all issues including the issue of jurisdiction raised herein are expressly kept open before the Trial Court including the issue raised by the Appellant, of the Trial Court not having jurisdiction when the Commercial Suit had been instituted. We make it expressly clear that we have not gone into the merits of the order/disputes between the Plaintiff and Defendants and leave it to the Trial Court to determine the same de novo on its own merits and in accordance with law.

5. The Application below Exhibit 5 shall be heard and disposed of by the Trial Court within a period of six weeks from the date of uploading of this Order.

6. In view of the Impugned Order below Exhibit 5 having been passed on 9 January 2024, and has now been set aside by this order, for the stipulated period of six weeks i.e. the period within which the Trial Court shall dispose of the application under Exhibit 5, the parties shall maintain status quo, as of today.

7. The Commercial Appeal from Order and the Interim Application are accordingly disposed of.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]