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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 320 OF 2026

Gitanjali Singh

Appellant / Orig.
.. Plaintiff

Versus

The Board of Directors of the Hongkong and
Shanghai Banking Corporation Ltd. (HSBC) and
Ors.

Respondents /
.. Orig. Defendants

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- Ms. Hemali Kurne a/w. Mr. Satsang J. Tailor, Advocates i/by Nedumpara & Nedumpara Advocates for Appellant.
 - Mr. Santosh Bhide, Advocate i/by Bhide & Associate for Respondent Nos.1 and 2.
 - Mr. Nirav Shroff a/w. Ms. Dimple Asrani, Advocates for Respondent No.3.
 - Ms. Shilpa G. Talhar, Advocate for Respondent No.5.

.....
CORAM : MILIND N. JADHAV, J.

DATE : APRIL 06, 2026.

P.C.:

1. Heard Ms. Kurne, learned Advocate for Appellant; Mr. Bhide, learned Advocate for Respondent Nos.1 and 2; Mr. Shroff, learned Advocate for Respondent No.3 and Ms. Talhar, learned Advocate for Respondent No.5.

2. In the present Appeal From Order, the impugned order is dated 16.02.2026. After reading the said order which is appended at Exhibit 'A' - page No.12 of the Appeal From Order, it is *prima facie* seen that Application seeking leave of the Court under Section 80(2) of the Code of Civil Procedure, 1908 (for short '**CPC**') for dispensation

with service to State has been rejected. The rejection as can be seen from the order is on account of incorrect nomenclature of the Respondents / Defendants before the Trial Court. I need not elaborate on the same. I have made it clear to the learned Advocate for the Plaintiff that whatever is stated in the order, *inter alia*, with respect to nomenclature of the parties is appropriate and correct. The State has to be impleaded as proper and necessary party. It is not proper to implead officers of the State by their designation or name.

3. In that view of the matter, leave is granted to Plaintiff to amend the cause title of the Suit Plaint before the learned Trial Court accordingly and implead the State as a proper and necessary party forthwith and thereafter prosecute the case. However in view of the threat perception that possession of the property may be taken over in view by the functionaries of the State and the exigency mentioned by Plaintiff, the issuance of notice under Section 80(2) of the CPC stands dispensed with by this Court in the facts and circumstances of the present case. Resultantly to that extent only the impugned order is varied. Rest of the order is upheld with the above directions.

4. Needless to state that all contentions of Respondents are expressly kept open which shall be heard by the learned Trial Court before passing any orders in the Application / Notice of Motion that will be filed by Plaintiff.

5. Needless to further state that the learned Trial Court is seized of the matter and if any protection is required by the Plaintiff, Plaintiff is free to approach the learned Trial Court forthwith after carrying out the necessary amendment of impleading the State.
6. The learned Trial Court shall adjudicate the matter strictly on merits and in accordance with law including the issue of jurisdiction as vehemently argued by the learned Advocate appearing for the Bank and private Respondents.
7. All contentions of the parties are expressly kept open.
8. Appeal From Order is disposed

[MILIND N. JADHAV, J.]

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