

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 5609 OF 2026
IN
INTERIM APPLICATION NO. 5160 OF 2025
IN
SUIT NO. 75 OF 2021**

National Peroxide Limited

Applicant
.. (Orig. Plaintiff)

IN THE MATTER BETWEEN

National Peroxide Limited

.. Plaintiff

Versus

Vipul Trivedi and Others

.. Defendants

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- Mr. Harsh Moorjani i/b Mr. Parth Shah, Advocates for Applicant – Plaintiff.
 - Mr. Subhradeep Banerjee i/b Ms. Trupti Baradi, Advocates for Defendant No.1
 - Mr. Sameer Pandit a/w Ms. Krina Gandhi and Ms. Chandni Turakhiya, Advocates i/b Wadia Ghandy & Co. for Defendant No.2
 - Mr. Aditya Upadhyay i/b Ms. Jeenal Upadhyay Advocates for Defendant Nos. 3 and 4.
 - Mr. Shubham Naik, Advocate i/b ANB Legal for Defendant No. 5.
 - Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Aditya Vikram Bhat (appeared through V. C.) a/w Mr. Dhirajkumar T, Ms. Trisha Sarkar and Ms. Muskan Goel, Advocates i/by AZB and Partners for Defendant Nos. 6, 7 and 9.
 - Mr. Dhiraj Totala (appeared through V. C.), Advocate for Defendant No.8.
 - Ms. Pooja Rathod, Advocate i/b Vashi & Vashi for Defendant No.15.
 - Ms. Swara Vichare, Advocate i/b Legasis Partners for the Defendant Nos.14, 16 and 17.
 - Ms. Vidhi Sharma, Advocate i/b Indus Law for Defendant Nos.18 and 19
 - None appears for Defendant Nos.10 to 13

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**CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 23, 2026.**

P.C.:

1. Heard Mr. Moorjani, learned Advocate for Plaintiff, Mr. Banerjee, learned Advocate for Defendant No.1, Mr. Pandit, learned Advocate for Defendant No.2, Mr. Upadhyay, learned Advocate for Defendant Nos.3 and 4, Mr. Naik, learned Advocate for Defendant No.5, Mr. Dhond, learned Senior Advocate for Defendant Nos.6, 7 and 9, Mr. Totala, learned Advocate for Defendant No.8, Ms. Rathod, learned Advocate for Defendant No.15, Ms. Vichare, learned Advocate for Defendant Nos.14, 16 and 17, Ms. Sharma, learned Advocate for Defendant Nos. 18 and 19. None appears for Defendant Nos.10 to 13.

2. Plaintiff - Company instituted the Suit seeking damages and compensation from Defendant Nos.1 to 19 on account of alleged fraudulent acts, gross negligence and dereliction of duties on their part.

3. The present Application is preferred for restoration of Suit No.75 of 2021, which came to be dismissed by the learned Prothonotary and Senior Master on 25.02.2025 for non-compliance of Rule 87 of the Bombay High Court Original Side Rules, 1980. For the sake of convenience, the parties are hereinafter referred to as "Plaintiff" and "Defendants".

4. During the course of hearing of the present Restoration Application, Plaintiff – Company filed Interim Application (L) No.5609

of 2026 seeking amendment to the Restoration Application so as to incorporate a specific prayer for condonation of delay of 34 days in filing the Restoration Application as there was a delay in filing the same. Both the Applications are taken up for hearing by Court. However all Defendants acting in unison have opposed the same and resisted the grant of any reliefs sought therein. Condonation of delay of 34 days is between the Applicant – Plaintiff – Company and the submission made by Advocates for all Defendants to permit them to file reply to the issue of delay of 34 days stands rejected. Application No.5160 of 2025 is argued vehemently by almost all Defendants seeking its rejection.

5. The brief facts necessary for adjudication of both the Applications are as under:-

5.1. Plaintiff – Company is a Public Limited Company incorporated in the year 1954 under the provisions of the Companies Act, 1913. Plaintiff – Company instituted Suit No.75 of 2021 seeking damages to the tune of Rs.37,02,97,961/- against Defendant Nos.1 to 19 on account of losses caused to Plaintiff – Company and sought damages of Rs. 320 crores due to their fraudulent acts, gross negligence and breach of duties owed to the Company. According to Plaintiff - Company the said loss is *prima facie* evident from the Forensic Audit

Report dated 10.02.2018 prepared by M/s. Price Waterhouse Coopers (“PWC Report”).

5.2. Defendant Nos.1 to 5 are the erstwhile employees of Plaintiff – Company (for short “erstwhile employees”). It is the case of Plaintiff - Company that during the course of their employment, the erstwhile employees committed acts of fraud, misconduct and dereliction of duty, resulting in substantial financial loss to the Plaintiff.

5.3. Defendant No.6 is a Chartered Accountants Firm which was appointed as the Statutory Auditor of Plaintiff - Company for the period of Financial Year 2008–2009 up to Financial Year 2016–2017. Defendant Nos.7 to 9 are the Partners of Defendant No.6, jointly and severally responsible for conducting and supervising the statutory audit of the accounts of Plaintiff - Company during the said period. Defendant Nos.6 to 9 are collectively referred to as the “Statutory Auditors”.

5.4. Defendant Nos.10, 12, 14, 16 and 18 were appointed as the Internal Auditors of Plaintiff - Company during the said period. Defendant Nos.11, 13, 15, 17 and 19 are the Partners and/or Authorised Signatories of Defendant Nos.10, 12, 14, 16 and 18 respectively and in charge of and responsible for conducting the Internal Audit of Plaintiff - Company during the relevant period.

5.5. It is Plaintiff – Company’s case that the Statutory Auditors and Internal Auditors failed to discharge their professional obligations with due care, caution and diligence and that their acts and omissions read in conjunction with the fraudulent conduct of the erstwhile employees resulted in substantial financial loss to Plaintiff as quantified in the Suit and reflected in the PWC Report.

5.6. Upon the alleged fraud having come to light, Plaintiff – Company filed the Suit on 01.20.2020. By order dated 08.02.2021 it was recorded that Defendant No.12 had not conducted the Internal Audit of Plaintiff – Company for the said period and accordingly, Defendant No.12 came to be deleted as a party to the said Suit.

5.7. Pursuant to above, by orders dated 10.10.2024 and 23.01.2025, the learned Prothonotary and Senior Master directed Plaintiff – Company to effect service of Writ of Summons upon Defendants, noting that failing which the Suit would stand dismissed under Rule 87 of the Bombay High Court Original Side Rules, 1980. The said orders specifically recorded that non-compliance would entail dismissal of the Suit.

5.8. On 25.02.2025, as none appeared on behalf of Plaintiff – Company and compliance was not reported, the learned Prothonotary and Senior Master dismissed Suit No.75 of 2021 for non-prosecution under Rule 87 of the Bombay High Court Original Side Rules, 1980.

5.9. It is the case of Plaintiff – Company that it remained unaware of passing of the order dated 25.02.2025 dismissing the Suit. It is Plaintiff – Company’s case that non-compliance with the directions regarding service and absence on the relevant date (25.02.2025) was due to inadvertence and an administrative lapse on the part of the clerk of its erstwhile Advocates who failed to inform. An Affidavit dated 12.02.2026 of the concerned clerk has been placed on record explaining the circumstances leading to such default and stating that the omission was neither deliberate nor intentional.

5.10. It is Plaintiff – Company’s case that it became aware of dismissal of the Suit only in April 2025. Upon gaining knowledge of the said order, immediate steps were taken to file the Restoration Application seeking to set aside of order dated 25.02.2025 for restoration of Suit No.75 of 2021 to file.

5.11. It is Plaintiff – Company’s case that there occurred delay of 34 days in filing the Restoration Application and the said delay is *bona fide*, marginal and sufficiently explained having occurred on account of lack of knowledge of the dismissal order coupled with the inadvertence on the part of the erstwhile Advocates’ clerk and the delay is stated to be neither wilful nor deliberate.

5.12. Since the Restoration Application as originally filed did not contain a specific prayer for condonation of delay and indeed there

was delay, Plaintiff - Company preferred Interim Application (L) No.5609 of 2026 seeking leave to amend the Restoration Application so as to incorporate an express prayer for condonation of delay of 34 days in filing the Restoration Application.

5.13. In the aforesaid circumstances, Plaintiff – Company seeks (i) amendment of the Restoration Application to include the prayer for condonation of delay, (ii) condonation of delay of 34 days in filing the Restoration Application, (iii) setting aside of the order dated 25.02.2025 passed by the learned Prothonotary and Senior Master dismissing the Suit under Rule 87 and (iv) restoration of Suit No.75 of 2021 to file, so that the disputes between the parties involving substantial monetary claims may be adjudicated on merits.

6. Mr. Moorjani, learned Advocate appearing on behalf of Plaintiff – Company would submit that Plaintiff – Company instituted the captioned Suit and preferred Interim Application No.190 of 2022 seeking interim reliefs which was contested by Defendants which was dismissed by Order dated 08.02.2021. He would submit that the Applicant thereafter preferred Appeal (L) No.6622 of 2021, which is pending before this Court and various orders have been passed therein with pleadings having been exchanged. He would submit that this conduct clearly demonstrated that Plaintiff – Company has been diligently prosecuting its claims and pursuing remedies in accordance

with law.

6.1. On the merits of the Application he would submit that by Orders dated 10.10.2024 and 23.01.2025, the learned Prothonotary and Senior Master directed service of Writ of Summons upon Defendants, stating that failing which the Suit would stand dismissed under Rule 87 of the Bombay High Court Original Side Rules, 1980. He would submit that due to inadvertence in the office of the erstwhile Advocates, the cause list was not checked and none appeared on behalf of the Plaintiff – Company, resulting in non-compliance of the said directions. He would submit that consequently, on 25.02.2025, the Suit came to be dismissed for non-prosecution. He would submit that lapse was administrative and unintentional, as explained in the Affidavit dated 12.02.2026 of the concerned clerk placed on record.

6.2. He would submit that Plaintiff – Society had no knowledge of the dismissal until April 2025, when the clerk of the erstwhile Advocates, whereas while addressing office objections in Appeal (L) No.6622 of 2021, he discovered that the Suit had been dismissed. He would submit that immediately on gaining such knowledge, Plaintiff - Society filed the present Restoration Application seeking quashing and setting aside of the dismissal Order and restoration of the Suit, along with liberty to lodge and issue the Writ of Summons within six weeks from restoration.

6.3. He would further submit that there was a delay of 34 days in filing the Restoration Application from the date of dismissal, which occurred solely due to lack of knowledge of the dismissal Order. He would submit that since no specific prayer for condonation had been incorporated in the original Application, Plaintiff – Company filed Interim Application (L) No.5609 of 2026 seeking amendment to include a prayer for condonation of delay. He would submit that the proposed amendment is procedural and pre-trial in nature and does not introduce a new case and is necessary for complete and effectual adjudication of the Restoration Application.

6.4. He would submit that Plaintiff – Company has established sufficient cause for restoration and condonation of delay, particularly as the default arose from inadvertence in the erstwhile Advocates' office and not from any lack of diligence on the part of Plaintiff – Company. He would submit that it is well settled that a litigant ought not to suffer for such lapses and that procedural requirements ought to be construed liberally to advance substantial justice. He would submit that no prejudice would be caused to Defendants if the Suit is restored, whereas grave and irreparable prejudice would be caused to Plaintiff – Company if denied an opportunity to prosecute its substantial claims on merits. He would therefore urge the Court to

allow the amendment coupled with the delay of 34 days be condoned, and the Suit be restored in the interest of justice.

6.5. In support of his submissions he has referred to and relied upon the following citations and decisions of the Courts:-

- (i) *Collector Land Acquisition, Anantnag and Another Vs. Mst. Katji and Others.*¹ ;
- (ii) *Maharashtra State Rd. Transport Corporation Vs. Metro Ortem Limited.*² ;
- (iii) *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and Others .*³;
- (iv) *Hariba Tatyaba More and Others Vs. Dada Ekhatnath More and Others.*⁴; and
- (v) *Sesh Nath Singh and Another Vs. Baidyabati Sheoraphuli Co-operative Bank Limited and Another.*⁵

7. **PER CONTRA**, Mr. Banerjee, learned Advocate appearing for Defendant No.1 would vehemently oppose the Application and draw my attention to the Affidavit-in-Reply dated 02.09.2025 filed by Mr. Nipul S. Trivedi - Defendant No.1 and contend that Plaintiff - Company has approached this Court belatedly and without sufficient cause, thereby disentitling itself from any discretionary or equitable relief.

7.1. He would submit that all allegations and contentions are devoid of merits and hence Plaintiff – Company is put to strict proof thereof. He would submit that the Application suffers from gross

1 (1987) 2 SCC 107

2 Interim Application (L) No.32268of 2022 in Comm. Suit (L) No.19182 of 2021

3 (2013) 12 SCC 649

4 2019 (6) Mh.L.J. 511

5 [(2021) 7 SCC 313]

suppression of material facts, misrepresentation and concealment of the Plaintiff - Company's own lapses and defaults. He would submit that Plaintiff - Company failed to approach this Court with clean hands and that on this ground alone the Application deserves to be rejected.

7.2. He would submit that under Order IX Rule 9 of the Code of Civil Procedure, 1908 (for short '**CPC**'), a party seeking restoration of a dismissed suit must demonstrate "sufficient cause" for non-appearance and non-prosecution. He would submit that the Plaintiff - Company has failed to discharge the burden cast upon it and has not provided any cogent or satisfactory explanation for its absence. He would submit that mere vague references to "administrative reasons" or "oversight" cannot constitute "sufficient cause" within the meaning of law and that the Application is therefore not maintainable. He would submit that even invocation of Section 151 CPC cannot cure such statutory non-compliance in the absence of due diligence.

7.3. He would submit that it is well settled that restoration is not a matter of right and cannot be granted where the Plaintiff's own inaction, negligence and lack of diligence are apparent. He would submit that Courts have consistently held that deliberate or unexplained delay cannot be condoned as a matter of routine. He would submit that Plaintiff - Company has approached this Court after inordinate and unexplained delay and that equity aids the vigilant and

not those who slumber on their rights.

7.4. He would submit that allowing the present Application would cause serious prejudice to Defendant No. 1 and to the other Defendants who proceeded on the understanding that Plaintiff - Company had abandoned prosecution of the Suit. He would submit that Defendants' rights and defences have crystallized upon dismissal of the Suit and that restoration at this belated stage would unsettle the finality attached thereto. He would submit that Plaintiff - Company is seeks to misuse the discretionary jurisdiction of this Court despite being guilty of gross negligence, mala fides, delay and laches and that the Interim Application No. 5160 of 2025 deserves to be dismissed with exemplary costs as an abuse of process of law.

7.5. He would submit that the Plaintiff-Company initially filed the Restoration Application without disclosing the delay or seeking condonation thereof and further made a false statement in paragraph No. 4 asserting that the Application was filed without undue delay. He would submit that such conduct goes to the root of the matter and reflects lack of bonafides and disregard for procedure and rules and therefore he would submit that the Interim Application seeking amendment to incorporate condonation of delay be rejected in the interest of justice.

8. Mr. Pandit, learned Advocate appearing for Defendant No.2 has been equally vehement in opposing the Application. He would adopt the submissions made by Mr. Banerjee on behalf of Defendant No.1. Additionally he would draw my attention to the Affidavit-in-Reply dated 30.06.2025 filed by Mr. Suhas Lohokare - Defendant No.2 and would submit that Restoration Application challenges the order dated 25.02.2025 dismissing the Suit for non-prosecution and is *ex-facie* barred by limitation under Article 122 of the Limitation Act, 1963 which prescribes a period of 30 days. He would submit that limitation period expired on 27.03.2025 whereas Application was filed by Plaintiff - Company only on 02.05.2025. He would submit that no explanation whatsoever has been stated for the delay and therefore the said Application is not maintainable.

8.1. He would submit that Plaintiff - Company has suppressed material facts demonstrating repeated non-compliance and absence on 10.10.2024, 23.01.2025 and 25.02.2025 despite repeated opportunities granted by the Prothonotary and Senior Master. He would submit that Plaintiff - Company failed to serve writ of summons since filing of the Suit on 01.10.2020 and its numbering in March, 2021. He would submit that dismissal was a consequence of continuous negligence and not an isolated instance as falsely projected.

8.2. He would submit that Plaintiff - Company failed to serve writ of summons for 1438 days i.e. for nearly four (4) years, in breach of Rules 69 and 87 of the Bombay High Court (Original Side) Rules, 1980. He would submit that the only explanation offered is a vague plea of “inadvertence” which cannot constitute "sufficient cause" in law. He would submit that Plaintiff - Company being a listed Company with legal Advisors cannot escape responsibility by blaming its erstwhile Advocates.

8.3. He would submit that the prayer seeking six (6) weeks time to serve writ of summons cannot be granted when the statutory period has long expired and no extension for the same was ever sought earlier. He would submit that Plaintiff - Company cannot indirectly seek enlargement of time through restoration after persistent non-compliance.

8.4. He would submit that Defendant No.2 is a 74-year-old senior citizen and that the restoration would cause grave prejudice and revive a proceeding abandoned for four (4) years. He would submit that Plaintiff - Company sought revival only after failing to obtain interim relief from this Court which dismissed its Interim Application No.190 of 2022 vide order dated 08.02.2021. He would submit that Defendant No.2 has also filed a Suit No. 34 of 2021 in this Court for release of his statutory dues. He would submit that the Application for restoration is

nothing but an abuse of process.

8.5. In support of his submissions he has referred to and relied upon the decisions of the Supreme Court in the case of *Sheo Raj Singh (deceased) through Legal Representatives and Others*⁶ and *Pathapati Subba Reddy (died) by legal heirs and Others Vs. Special Deputy Collector (LA)*⁷ and contented that the primary criterion for condonation of delay is acceptability of the explanation offered as "sufficient cause" for delay rather every day's delay and not just the length of the delay.

8.6. He would submit that Plaintiff - Company has failed to establish sufficient cause or its *bona fides* for restoration and that Application is barred by limitation and vitiated by suppression and repeated negligence. He would submit that no reliefs can be granted in such circumstances and the Application deserves to be dismissed with costs.

9. Mr. Upadhyay, learned Advocate appearing for Defendant Nos.3 and 4 has adopted the submissions made by Mr. Banerjee and Mr. Pandit and in addition thereto would draw my attention to the Affidavit-in-Reply dated 20.06.2025 filed by Mr. Sushilkumar Jain and Mr. Rakesh Goyal and has persuaded me to take cognizance of the said submissions for the Defendant Nos.3 and 4. Since the said submissions

6 (2023) 10 SCC 531
7 2024 SCC OnLine SC 513

are already argued by Mr. Banerjee and Mr. Pandit, for brevity sake they are not repeated and reiterated herein.

10. Mr. Naik, learned Advocate appearing for Defendant No.5 has drawn my attention to Affidavit-in-Reply dated 12.08.2025 filed by Mr. Arun Naik and additionally he would also adopt the submissions made by Mr. Banerjee and Mr. Pandit. For brevity sake same are not repeated herein. He has persuaded me to take cognizance of the submissions on behalf of Defendant No.5.

11. Mr. Dhond, learned Senior Advocate alongwith Mr. Bhat, Advocate appearing for Defendant Nos.6, 7 and 9 has drawn my attention to the Affidavit-in-Reply dated 23.06.2025 filed by Mr. Mohammed Saifuddin Bengali, Partner of Defendant No.6 and would submit that Plaintiff - Company seeks setting aside of the order dated 25.02.2025 passed by the Learned Prothonotary and Senior Master dismissing the Suit for non-prosecution and further seeks six (6) weeks' time to lodge and issue writ of summons. He would submit that Suit is primarily directed against Defendant Nos. 1 to 5, who are erstwhile employees of Plaintiff - Company and Defendant No. 6 being a former statutory Auditor for the Financial Year 1956-1957 to Financial Year 2016-17, has been unnecessarily and wrongfully impleaded. He would submit that Defendant No. 6 ought not to suffer prejudice on account of Plaintiff - Company's casual and lackadaisical

handling of its own litigation.

11.1. He would submit that under Article 122 of the Limitation Act, 1963, Application for restoration must be filed within 30 days from the date of dismissal, which in the present case expired on 27.03.2025. He would submit that the Application was filed only on 02.05.2025 and is therefore *ex-facie* barred by limitation. He would submit that Plaintiff - Company initially failed to even disclose the delay or seek condonation thereof and falsely stated that the Application had been filed without undue delay. In support of his submission he has referred to and relied upon the decision of the Supreme Court in the case of *Esha Bhattacharjee (supra)* and specifically on paragraph Nos.21 and 22 of the said decision. He would submit that only after objections were raised by Defendants, that is when Plaintiff - Company belatedly filed amendment Application on 16.02.2026 seeking to incorporate prayer for condonation of delay, nearly nine (9) months after filing the restoration Application. He would submit that such conduct reflects scant regard for statutory timelines and the procedure of this Court.

11.2. He would submit that the law of limitation is founded on principles of diligence, certainty and finality and cannot be treated as a mere technicality. He would submit that Section 5 of the Limitation Act mandates that "sufficient cause" must be shown for the entire

period of delay, both within and beyond the prescribed period. He would submit that Plaintiff - Company has failed to explain everyday delay and has merely relied on vague assertions of “inadvertence.” He would submit that such a bald and mechanical explanation cannot constitute sufficient cause, particularly when Plaintiff - Company is a listed company managed by legal Advisors. He would submit that Plaintiff - Company's conduct demonstrates negligence rather than *bona fide* diligence. In support of his above submissions he has referred to and relied upon the decisions of the Supreme Court in the case of *Shivamma (Dead) by Legal Heirs Vs. Karnataka Housing Board and Others*⁸, *Salil Dutta Vs. T.M. and M.C. Private Ltd.*⁹ and *CVS Infrastructure Pvt. Ltd. Vs. Hazel Mercantile Ltd*¹⁰.

11.3. He would submit that the law of limitation is founded on principles of justice, diligence and public policy and cannot be treated as a mere technicality. He would submit that the Supreme Court has time and again held that limitation ensures timely action and prevents prejudice and the maxim *vigilantibus non dormientibus jura subveniunt* applies, meaning the law assists the vigilant and not those who sleep over their rights has to be applied. He would submit that a non-vigilant litigant cannot benefit from its own inaction and thus entertaining a time-barred claim would defeat the object of limitation

8 2025 SCC OnLine SC 1969

9 (1993) 2 SCC 185

10 2020 SCC OnLine Bom 507

law and seriously prejudice Defendants. In support of his above submissions he has referred to and relied upon the decisions of the Supreme Court and Karnataka High Court in the case of ***Bharat Barrel and Drum Mfg. Co. Ltd. and Another Vs. Employees State Insurance Corporation***¹¹ and ***The PR. Commissioner of Income Tax and Another Vs. Shri K. Umesh Shetty***¹²

11.4. He would submit that the Suit was listed before the Learned Prothonotary and Senior Master on 10.10.2024 and 23.01.2025 for compliance and Plaintiff - Company remained absent on both occasions. He would submit that Plaintiff - Company also remained absent on 25.02.2025, resulting in dismissal under Rule 87 of the Bombay High Court (Original Side) Rules. He would submit that the initial Application deliberately omitted reference to the earlier two hearings and attempted to create a misleading impression of a solitary lapse. He would submit that such suppression of repeated defaults clearly demonstrates a consistent pattern of abandonment of the said Suit.

11.5. He would submit that the said Suit was filed on 01.10.2020 and even after excluding the Covid-19 period as directed by the Supreme Court, the writ of summons ought to have been issued on or before 30.05.2022. He would submit that Plaintiff - Company failed to

¹¹ 1971 (2) SCC 860

¹² Income Tax Appeal No.165 of 2020 decided on 17.01.2025

issue or serve the writ of summons till date which is a clear violation of Order V Rule 1 of CPC and Rule 87 of the Bombay High Court Original Side Rules. He would submit that dismissal under Rule 87 was a mandatory statutory consequence and not an exercise of discretion. He would submit that Plaintiff - Company's prayer for a further six (6) weeks' time to issue summons only reinforces its continued disregard for mandatory procedural requirements.

11.6. He would submit that the Plaintiff - Company's reliance on the notice dated 29.09.2008 is misconceived and cannot override the mandatory provisions of Order V Rule 1 of the Code or Rule 87 of the Rules. He would submit that subsequent amendments reducing the timeline under Rule 87 further underscore the mandatory nature of issuance of summons. He would submit that Plaintiff - Company has also made incorrect and misleading statements regarding its alleged knowledge of dismissal in April 2025, which are contrary to the record. He would submit that the conduct of Plaintiff - Company demonstrates suppression, negligence and abuse of the process of this Court and therefore both the Applications deserve to be dismissed with costs.

11.7. In support of his submissions he has further referred to and relied upon the decisions of the Supreme Court and other High Courts in the case of *Iridium India Telecom Ltd. Vs. Motorola Inc.*¹³, *Manhar*

¹³ (2005) 2 SCC 145

*Sabharwal Vs. High Court of Delhi and Others*¹⁴ and *Ajit Ratnakar Bagwe Vs. Prime Builders and Others*.¹⁵

11.8. He would submit that Plaintiff - Company has failed to establish sufficient cause or *bona fides* for restoration and Applications are barred by limitation and vitiated by suppression and repeated non-compliance. He would submit that dismissal under Rule 87 was a necessary consequence of Plaintiff - Company's prolonged inaction. He would therefore submit that both the Applications therefore deserve to be dismissed with costs.

12. Mr. Totala, learned Advocate appearing for Defendant No.8 would adopt the submissions made by Mr. Dhond, hence for brevity the same are not repeated and reiterated herein. He has persuaded me to take cognizance of the said submissions on behalf of Defendant No.8.

13. Ms. Vichare, learned Advocate for Defendant Nos.14, 16 and 17 would submit that Defendant Nos. 14, 16 and 17 are not contesting both the Interim Applications and do not propose to file any Affidavit-in-Reply thereto. Ms. Vichare would submit that the said Defendants leave the matter to the discretion of this Court and would urge the Court to reserve their rights and contentions in the Suit, if restored. Ms. Vichare would submit that no adverse inference ought to be drawn

¹⁴ 2024 SCC OnLine Del 5945

¹⁵ Appeal No.220 of 2018 decided on 15.01.2024

against Defendant Nos.14, 16 and 17 by reason of their non-contestation of both the Interim Applications.

14. Ms. Rathod, learned Advocate appearing for Defendant No.15 would draw my attention to the Affidavit-in-Reply dated 23.06.2025 filed by Mr. Kartik Bharatkumar Radia and would adopt the submissions made by Mr. Dhond hence for brevity sake the same are not repeated and reiterated herein. She has persuaded me to take cognizance of the said submissions on behalf of Defendant No.15.

15. Ms. Sharma, learned Advocate appearing for Defendant Nos.18 and 19 would draw my attention to the Affidavit-in-Reply dated 27.06.2025 filed by Mr. Murugesh Shah and would adopt the submissions made by Mr. Dhond, hence for brevity sake the same are not repeated and reiterated herein. She has persuaded me to take cognizance of the said submissions on behalf of Defendant Nos.18 and 19.

16. Mr. Moorjani, learned Advocate appearing for Plaintiff – Company would draw my attention to the Affidavits-in-Rejoinder dated 26.06.2025, 10.09.2025 and 15.09.2025 filed by Mr. Rajiv Arora, Constituted Attorney of Plaintiff – Company and would submit that Interim Application seeks restoration of the Suit which came to be dismissed purely on procedural grounds under Rule 87 of the Bombay High Court (Original Side) Rules and not on merits. He would submit

that the dismissal was on account of non-issuance of writ of summons and does not constitute an adjudication of rights between the parties. He would submit that all contesting Defendants, entered appearance through Advocates, filed Affidavits-in-Reply, Additional Affidavits and Affidavits of disclosure and have actively contested Interim Application No.190 of 2022 as well as Appeal (L) No.6622 of 2021 and Interim Application No.8148 of 2021 therein. He would submit that such continuous participation clearly demonstrates full knowledge of the Suit and complete engagement in proceedings.

16.1. He would submit that once Vakalatnamas were filed and pleadings were exchanged the very object of service stood achieved. He would submit that in view of the Notification dated 29.09.2008 issued by the Learned Prothonotary and Senior Master, formal service of writ of summons is not required where a Defendant has entered appearance. He would submit that Defendant No.1 entered appearance on 26.10.2020, filed Affidavit-in-Reply dated 29.10.2020 and contested Interim Application on merits and similarly the other contesting Defendants have participated at every stage. He would submit that the principle of *audi alteram partem* stands fully satisfied and the objection regarding writ of summons is nothing but hyper-technical and unsustainable.

16.2. He would submit that non-appearance before the Learned Prothonotary and Senior Master on 10.10.2024, 23.01.2025 and 25.02.2025 occurred due to inadvertence of the erstwhile Advocates in not noting the causelist. He would submit that the said omission was neither deliberate nor willful but purely accidental. He would submit that Plaintiff - Company became aware of the dismissal only in April 2025 while addressing office objections in Appeal (L) No.6622 of 2021, when an objection regarding registration status of the Suit led to inquiry and discovery of the dismissal. He would submit that immediately upon gaining such knowledge, prompt steps were taken and the present Interim Application was filed.

16.3. He would submit that the delay of 34 days in filing the Restoration Application has been sufficiently explained. He would submit that Plaintiff - Company has not gained any undue advantage nor Defendants have suffered any prejudice by such delay. He would submit that the delay is neither deliberate nor mala fide and deserves to be condoned in the interest of justice, equity and fair play. He would submit that refusal to restore the Suit would irreparably prejudice Plaintiff – Company by non-suiting it without adjudication on merits, whereas restoration would not cause injustice to any contesting Defendant.

16.4. He would submit that Plaintiff - Company has at all times acted bona fide and has consistently pursued the Suit and all connected proceedings, including filing rejoinders, contesting appeals and complying with directions wherever required. He would submit that the allegations of suppression, negligence or abandonment is wholly misconceived in light of the record demonstrating continuous participation by both sides. He would submit that Plaintiff – Company cannot be penalized for inadvertence on the part of its erstwhile Advocates and that settled law recognizes that a litigant ought not to suffer for such lapses.

16.5. He would submit that this Court, in exercise of its inherent powers under Section 151 of CPC is thereby empowered to pass appropriate orders to secure the ends of justice and prevent abuse of due process. He would submit that a liberal approach is warranted in matters of restoration where substantial rights are at stake. He would therefore submit that the delay be condoned, the Order dated 25.02.2025 be set aside and the Suit be restored including grant of time for issuance of fresh writ of summons.

17. Mr. Dhond, learned Senior Advocate appearing for Defendant Nos.6, 7 and 9 has drawn my attention to the Affidavit-in-Sur-Rejoinder dated 03.07.2025 filed by Mr. Rukshad Nanu Daruvala Partner of Defendant No.6 and would submit that Plaintiff - Company

failed to demonstrate any “sufficient cause” for restoration of the Suit or for condonation of delay under Order IX Rule 9 of CPC read with Article 122 of the Limitation Act, 1963. He would submit that non-issuance and non-service of writ of summons for over four years is not a mere technical irregularity but a fundamental procedural lapse under the Bombay High Court (Original Side) Rules, 1980 and Order V Rule 1 of CPC. He would submit that limitation runs from the date of dismissal and not from the alleged date of knowledge, and that the plea of discovery in April 2025 is not corroborated by any documentary evidence. He would submit that continued non-removal of objections in Appeal (L) No.6622 of 2021 since March 2021 further evidences a pattern of disregard towards Court’s procedure and that the contradictory stand of claiming deemed service while simultaneously seeking six (6) weeks’ time to issue writ of summons clearly shows Plaintiff – Company’s inconsistent approach.

17.1. He would submit that Defendant No.6, as Statutory Auditor, has been compelled to incur substantial costs and expend time in defending proceedings initiated without procedural diligence and Plaintiff - Company cannot rely upon Defendants’ vigilance and participation to cure its own defaults. He would submit that the dismissal order has conferred a valuable legal benefit upon Defendants which cannot be unsettled in the absence of strict and convincing

proof of sufficient cause. He would submit that Section 151 of CPC cannot be invoked to override mandatory procedural requirements or limitation and that the object of such law is to prevent lackadaisicalness and ensure finality. He would therefore submit that both the Applications for restoration and amendment to incorporate prayer for condonation of delay is devoid of merit and deserves to be dismissed with costs.

18. I have heard Mr. Moorjani, learned Advocate for Plaintiff, Mr. Banerjee, learned Advocate for Defendant No.1, Mr. Pandit, learned Advocate for Defendant No.2, Mr. Upadhyay, learned Advocate for Defendant Nos.3 and 4, Mr. Naik, learned Advocate for Defendant No.5, Mr. Dhond, learned Senior Advocate for Defendant Nos.6, 7 and 9, Mr. Totala, learned Advocate for Defendant No.8, Ms. Rathod, learned Advocate for Defendant No.15, Ms. Vichare, learned Advocate for Defendant Nos.14, 16 and 17, Ms. Sharma, learned Advocate for Defendant Nos. 18 and 19 and with their able assistance perused the record of the case. Submissions made by the Senior Advocate and Advocates at the bar have received due consideration of the Court. The hearing of these Applications has lasted for almost 60 minutes despite this Court persuading Defendants to be brief and non-repetitive which was subsequently adhered to by the Advocates

19. At the outset, it is seen that the Suit came to be dismissed on

25.02.2025 under Rule 87 of the Bombay High Court (Original Side) Rules, 1980 on account of non-compliance of directions of service of writ of summons and due to non-appearance of Plaintiff – Company. It is pertinent to note that the dismissal was not on merits and did not involve adjudication of the substantive claims of damages quantified at Rs.37,02,97,961/-. Hence, the questions that arises for adjudication is whether “sufficient cause” has been shown for restoration of the Suit and whether the amendment seeking incorporation of a specific prayer for condonation of delay ought to be permitted in turn and whether delay of 34 days in filing the Restoration Application deserves to be condoned?

20. It is an admitted position that by orders dated 10.10.2024 and 23.01.2025, the learned Prothonotary and Senior Master directed Plaintiff – Company to effect service of writ of summons upon Defendants, noting therein that failing which the Suit would stand dismissed. On 25.02.2025, in the absence of Plaintiff – Company and in view of non-compliance, the Suit came to be dismissed under Rule 87 of the Bombay High Court (Original Side) Rules, 1980. The dismissal was thus procedural and not on merits. The consequence of such dismissal is that Plaintiff – Company is non-suited without examination of its claims, unless restoration is granted under Order IX Rule 9 of CPC.

21. The principal objection of all Defendants in unison is that the Restoration Application is barred by limitation under Article 122 of the Limitation Act, 1963 and that no “sufficient cause” is shown. Defendants’ contention that the dismissal order being passed on 25.02.2025 and Restoration Application being filed on 02.05.2025, the prescribed period of limitation of 30 days from the date of dismissal however in the present case there was a delay of 34 days beyond the prescribed period. The contention advanced on behalf of certain Defendants that there is a delay of “four years” is misconceived, rather its a preposterous argument which deserves to be dismissed in limine. The cause of action for restoration arose only upon dismissal on 25.02.2025. The period prior thereto relates to pendency of the Suit and alleged non-service of summons, which may be relevant to the conduct but in any event does not determine limitation under Article 122.

22. With regard to explanation for delay, Plaintiff – Company has stated that it became aware of the dismissal only in April 2025 while addressing office objections in Appeal (L) No.6622 of 2021. The non-appearance on the relevant dates is attributed to inadvertence in the office of the erstwhile Advocates in not noting the cause list. An Affidavit of the concerned clerk dated 12.02.2026 is placed on record explaining the circumstances. The explanation may not reflect

exemplary diligence, however it cannot be said to be inherently implausible or *mala fide*. Also in my opinion delay of 34 days cannot be termed inordinate. The law relating to condonation requires acceptability of the explanation and objection for accounting for every single day of delay particularly when the delay is short and the dismissal is not on merits.

23. Order IX of CPC deals with “Appearance of parties and consequence of non-appearance.” Order IX Rule 9 of the CPC provides for restoration of suits dismissed under Order IX Rule 8 for non-appearance. When once a suit is dismissed wholly or partly, the plaintiff is precluded from bringing a fresh suit in respect of the same cause of action, however Rule 9 permits for filing of an Application to set aside the dismissal order. As seen from the rule, for an Application for the restoration of the suit to be allowed, “sufficient cause” must be shown to the satisfaction of the court for non-appearance, when the suit was called. However, Restoration Application cannot be ordered unless notice of Application has been served on the opposite party.

24. The interpretation of “sufficient cause” is of relevance at this juncture. There exists no straitjacket formula for “sufficient cause.” In this regard attention is invited to the decision of the Delhi High Court in the case of *Road Master Cycle Limited v. Smt.Sushma Nangia*¹⁶ wherein the Court defined “sufficient cause” in paragraph No. 7 which

¹⁶ 73 (1998) DLT 304

is reproduced below:-

“...Any cause, which prevents a person approaching the Court within time, is sufficient. In doing so, it is a test of reasonable man in normal circumstances which has to be applied. The test whether or not a 'cause' is 'sufficient' is to see whether it could have been avoided by the party by exercise of due care and attention...”

25. Attention is further invited to the decision of the three Judge Bench of the Supreme Court in the case of ***Union of India Vs. Ram Charan (deceased) through his LRs***¹⁷ wherein the Court observed that an illustrative list of facts or circumstances constituting “sufficient cause” would hamper the free exercise of the Courts discretion in the interests of justice. The satisfaction of the Court on the “sufficient cause” is the crux in deciding restoration Application under Order IX Rule 9. It is reiterated as a principle of law that Order IX Rule 9 being procedural in nature, “sufficient cause” should receive a liberal consideration as an elastic expression in order to do substantial justice rather than being struck on technical rigidities.

26. In the present case, the Suit was filed for seeking substantial damages / recovery of amounts from Defendants. When the matter came up for hearing, erstwhile Advocates for Plaintiff – Company on particular dates of hearing failed to appear before the Court. Furthermore, Plaintiff – Company filed Affidavit of the Clerk alongwith the Application. The contention of the Defendants is that since they have taken a plea in the reply Affidavits that the Application for Restoration is barred by limitation, the Plaintiff –

17 AIR 1964 SC 215

Company avoided to pursue the Suit is not tenable since the trial in the said Suit had not yet commenced and the plea is not examined by the Court. It is quite understandable as to why the Defendants have so vociferously contested and opposed the restoration of the Suit proceedings.

27. Defendants have placed reliance on the decision of the Supreme Court in the case of *Esha Bhattacharjee (supra)* wherein the Supreme Court culled out the principles applicable to an Application for condonation of delay. Paragraph Nos.21 and 22 of the said judgment read thus :

“21. From the aforesaid authorities the principles that can broadly be culled out are:

21.1. (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

21.2. (ii) The terms “sufficient cause” should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact- situation.

21.3. (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4 (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

21.5 (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6 (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

21.7 (vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play. 21.8 (viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may

not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

21.9 (ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

21.10 (x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

21.11 (xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

21.12 (xii) The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

21.13 (xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are: -

22.1 (a) An application for condonation of delay should be drafted with careful concern and not in a half hazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.

22.2 (b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.

22.3 (c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.

22.4 (d) The increasing tendency to perceive delay as a non- serious matter and, hence, lackadaisical propensity can be exhibited in a non-challant manner requires to be curbed, of course, within legal parameters.”

28. All the Advocates for contesting Defendants would urge that the aforesaid judgment is on all four with the facts of the case at hand as Plaintiff – Company has not furnished an explanation which merits consideration for condonation of delay.

29. However it is trite law that an Application for condonation of delay, be it for setting aside of an order of dismissal of a proceeding for want of prosecution, receives a liberal consideration. Overarching principle which informs the exercise of the discretion is that the *lis* should be decided on merits rather than on technicalities and default, so as to advance the cause of substantive justice.

30. In that view of the matter term “sufficient cause” is liberally construed. Undoubtedly, there is delay of 34 days which cannot be ignored as the consequences like alteration in the position of the parties and creation of third party rights can occur. An unexplained and inordinate delay thus puts the Court on guard. Nonetheless, it is emphasised that the length of delay may not be the sole barometer for exercise of discretion. It is the sufficiency or otherwise of the cause ascribed for the delay which carries significance

31. The record of this case further indicates that Plaintiff – Company has participated in the proceedings, including filing and contesting Interim Application No.190 of 2022 and pursuing Appeal (L) No.6622 of 2021. Affidavits-in-Reply, Rejoinder and Sur-Rejoinder have been exchanged. Defendants have also entered appearance and contested the proceedings at various stages. This conduct does not and cannot indicate a conscious abandonment of the Suit. Though there has been a delay in complying with the

procedural requirement of issuance of writ of summons within time, the material on record does not establish deliberate disregard of the process of Court so as to deny restoration altogether as suggested by Defendants.

32. Insofar as the Amendment Application is concerned, the Restoration Application as originally filed did not contain an express prayer for condonation of delay. The amendment sought is confined to incorporating such prayer. It does not alter the factual foundation, introduce a new cause of action or prejudice any vested right whatsoever. The omission appears to be a drafting defect. Procedural law permits such amendment where it is necessary for complete and effective adjudication of the controversy. Refusal of amendment would result in multiplicity of proceedings and defeat substantive justice.

33. The submission that Section 151 of CPC cannot override statutory limitation is unexceptionable. However, in the present case, once the amendment incorporating the prayer for condonation is allowed, the Court is required to examine whether sufficient cause exists under Section 5 of the Limitation Act, 1963. For the reasons recorded hereinabove, I am fully satisfied that the Plaintiff – Company has shown sufficient cause for condonation of delay of 34 days. The delay is neither gross nor unexplained. The prejudice, if

any, to the Defendants can be adequately compensated by costs, whereas refusal to restore would permanently foreclose adjudication of substantial claims without trial. Infact there is no prejudice whatsoever that is caused to the Defendants in my opinion.

34. The dismissal under Rule 87, though a statutory consequence of non-compliance, is not intended to operate as a penalty disproportionate to the lapse where sufficient cause is shown. Courts ordinarily lean in favour of adjudication on merits unless the conduct is contumacious or mala fide. In the present case, while the Plaintiff – Company has been negligent in ensuring compliance, the overall circumstances in my opinion justify restoration subject to appropriate terms if at all to balance equities.

35. It is pertinent to note that the delay in effecting service of writ of summons also spans across the period of Covid-19 pandemic, which affected Court functioning and procedural compliances generally. This circumstance cannot be ignored while assessing overall conduct and delay in taking procedural steps. Hence, I am of the opinion that a pragmatic and justice-oriented approach is required to be adopted in such matters.

36. It is settled law that a party should not suffer on account of fault or default in appearance of the Advocate whom it had entrusted its case. When a party does everything in its power to participate in

the proceedings, by engaging an Advocate and entrusting the brief, it is considered unjust to punish such a party for default in appearance on the part of its Advocate. Generally, the Courts lean in favour of condoning the delay and restoring the proceedings where there is material to show that the default is attributable to the Advocate engaged by a party. Such approach is in accord with the well-recognized principle that the procedure is handmaid of justice and it should not be allowed to score a march over substantive justice. It is also in the interest of public justice that a *lis* is decided on merits, rather than on technicalities or defaults. The record in the present case shows that Plaintiff – Company instituted the Suit in 2020, contested Interim Application No.190 of 2022, preferred Appeal (L) No.6622 of 2021 and participated in connected proceedings. Such conduct is inconsistent with any suggestion of abandonment. In these circumstances, penalising Plaintiff – Company for a procedural lapse attributable to its erstwhile Advocates would result in grave injustice and defeat adjudication on merits. It would be rather a travesty of justice if case of the Defendants is accepted.

37. It is necessary to address the aspect of opposition by the contesting Defendants. The record indicates that Defendant Nos.1 to 9, 15, 18 and 19 have actively opposed both the Restoration Application as well as the Amendment Application and have

advanced detailed submissions primarily on technical grounds of limitation and procedural default. While such opposition, no doubt is within their legal right, this Court finds that the resistance was pursued on an unduly hyper-technical premise, particularly by projecting an alleged “four (4) year delay” in restoration, which is factually and legally unsustainable since the dismissal of the Suit occurred only on 25.02.2025.

38. The insistence that Plaintiff – Company should be non-suited permanently without adjudication on merits, despite the limited delay of 34 days and in circumstances where the dismissal was not on merits but for procedural non-compliance, reflects an approach more inclined toward defeating adjudication than facilitating resolution of disputes. The contesting Defendants, having participated in earlier proceedings and being fully aware of the pendency of the Suit, cannot legitimately claim prejudice merely on account of restoration.

39. I am therefore of the considered view that the Applications were opposed in unison on grounds that do not withstand scrutiny in light of settled principles governing restoration and condonation of delay. In order to balance equities and discourage unnecessary prolongation of interlocutory proceedings on untenable technical objections, it is appropriate that compensatory costs be imposed

upon the contesting Defendants who have so opposed the Applications and wasted valuable judicial time. Such direction is made in exercise of this Court's inherent powers to ensure that procedural objections are not employed to obstruct substantive adjudication frivolously as has been done by all the Defendants except some which has been noted hereinabove .

40. Absence of a party in the case on the date of hearing may lead to delay in disposal of the matter but the other side can be compensated by adequate cost and the *lis* can be decided on merits to meet the ends of justice. However, this Court by this view is not giving a free ticket to the negligence and lethargic attitude of the parties who do not pursue their matters as per the timelines, even though such is not the case before me seeking condonation of delay of 34 days and restoration.

41. In view of the above facts and circumstances of the case, I am of the considered opinion that Interim Application (L) No. 5609 of 2026 needs to be allowed. It is so allowed. Plaintiff – Company is permitted to amend the Restoration Application in terms of Schedule “A” annexed thereto, incorporating the specific prayer for condonation of delay within one week from today. Re-verification stands dispensed with. In that view of the matter, the delay of 34 days in filing the Restoration Application is hereby condoned.

Resultantly, in view of the above, Interim Application No.5160 of 2025 (Restoration Application) is allowed.

42. The impugned order dated 25.02.2025 passed by the learned Prothonotary and Senior Master dismissing Suit No.75 of 2021 under Rule 87 of the Bombay High Court (Original Side) Rules, 1980 is quashed and set aside. Suit No.75 of 2021 is restored to file, subject to compliance of the conditions herein.

43. The Plaintiff – Company shall issue the writ of summons and the same shall be served upon the Defendants within a period of four (4) weeks from today and it shall ensure due compliance with all procedural requirements.

44. Further, in view of the frivolous opposition raised in unison by Defendant Nos.1 to 9, 15, 18 and 19 on completely untenable technical grounds, wasting precious judicial time despite this Court reasoning with them, which I find to be hyper-technical and unsustainable, these contesting Defendants are directed to pay compensatory costs of Rs.10,000/- each to the High Court Law Library, Room No.39, 2nd floor, High Court Main Building within a period of two (2) weeks from today.

45. Registry shall ensure compliance of the aforesaid directions. Upon compliance of the aforesaid directions, Registry shall list the Suit for further directions in accordance with law.

46. Both Interim Applications stand allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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