



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO. 127 OF 2021**

Siddhi Raj Housing Projects Private

Limited and Anr.

...Plaintiffs

Vs.

Four D Buildcon Private Limited.

...Defendant

**WITH
INTERIM APPLICATION NO. 7139 OF 2025
WITH
INTERIM APPLICATION NO. 1670 OF 2021**

Ms. Vaishnavi Dhure i/b. Mr. Amir Arsiwala for plaintiff no.1.

Mr. Kunal Dwarkadas, Mr. Mustaqueem Bagsaria, Ms. Jyothi
Tated i/b. Wadia Gandhya & Co for the defendant.

CORAM : GAURI GODSE, J.

DATE : 9th MARCH 2026

ORDER :

**INTERIM APPLICATION NO. 7139 OF 2025
{INTERIM APPLICATION (STAMP) NO. 3671 OF 2025}
IN
COMMERCIAL SUIT NO. 127 OF 2021**

1. This application is filed by plaintiff no.1 seeking transposition of plaintiff no.2 as defendant no.2.
2. This application is filed through the resolution professional of original plaintiff no.1.
3. Learned counsel for the applicant submits that the suit

was filed jointly on behalf of the company and plaintiff no.2 who was the director of original plaintiff no.1. Plaintiff no.2 is now the suspended director of original plaintiff no.1. She further submits that all the relevant averments are mentioned in the application regarding the proceedings initiated under Section 9 of the Insolvency and Bankruptcy Code, 2016 (“IBC”).

4. Learned counsel for the plaintiff has tendered the affidavit of service dated 20th February 2026 by the concerned bailiff. The service affidavit is taken on record. As per the service affidavit, the notice issued through the Sheriff's Office to plaintiff no.2 is returned with remark 'unclaimed'. Service affidavit is taken on record.

5. Learned counsel for the defendant has no objection if this application is allowed.

6. For the reasons stated in the application, it is allowed in terms of prayer clause 'a'.

7. Amendment shall be carried out in the plaint and the pending interim application within four weeks.

COMMERCIAL SUIT NO. 127 OF 2021

1. In view of the order passed in the Interim Application 7139 of 2025, the resolution professional shall take steps to file Vakalatnama on behalf of plaintiff no.1 and take further steps in the suit.

2. Office shall issue the writ of summons returnable on 4th May 2026

[GAURI GODSE, J.]