

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 508/1999****MANIKCHAND JALAMCHAND TATIA & ORS. .... APPELLANTS****VERSUS****SHRI CHINDAMBARAM MULRAJ  
AND CO. .... RESPONDENTS**

**ALONGWITH  
INTERIM APPLICATION NO. 7928/2025  
ALONGWITH  
INTERIM APPLICATION NO. 9438/2024  
IN  
SECOND APPEAL NO. 508/1999**

Adv. P. B. Shah a/w. Adv. Gunjan Shah for the Appellants.

Senior Adv. Girish Godbole a/w. Adv. Shyam Kapadia, Adv. Jyoti Sinha, Adv. C. Nagesh, Adv. Neha Hirani i/b. Khaitan & Co. for the Respondent.

**CORAM : RAJESH S. PATIL, J.**

**DATE : 12 DECEMBER, 2025**

**P.C. :-**

- 1) Matter is Partly heard.
- 2) Stand over to **6 January, 2026**. Matter to come up under the caption 'For Directions'.
- 3) At the request made by Mr. Godbole, learned Senior Advocate for the respondent, time is granted till 17 December, 2025 to

This order is corrected as per Speaking to Minutes of order dated 19.12.2025.

file application if the respondent so desires. If the need arises, the appellant is granted time till 24 December, 2025 to file reply to the application.

4) This Second Appeal has been substantially heard by me on three different dates. As Mr.Shah has raised an objection about the plaintiff's Representative having no authority to file a suit, I have considered the additional substantial questions of law which were tendered by Mr.Shah, learned advocate appearing for the appellant on 25 February, 2019 further modified on 26 October 2023. In all fourteen questions of law are framed by Mr.Shah, let the same be added as Grounds of Appeal and ground no.10 is framed by me as additional substantial questions of law, which will become third question of law, the same reads as under :-

Q. 3 Whether both the Ld. Courts below failed to consider that suit is not maintainable and liable to be dismissed for want of proper authorisation from the Company to Plaintiff to institute this suit ?

5) Amendment to the Memo of Second Appeal be carried out within a period of two weeks from today.

**[RAJESH S. PATIL, J.]**