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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM SUIT NO.129 OF 2024

M/s. Gold Coin Builders

...Plaintiff

Versus

Zarna Vinay Shah

...Defendants

WITH

COUNTER CLAIM NO.11 OF 2019

Dr. D.H. Dave and 3 Ors.

...Plaintiff

Versus

M/s. Gold Coin Builders

...Defendants

Ms. Aditi Tamhankar i/b. Mandlik and Partners for the Plaintiff.

Mr. Akshay Doctor i/b. Mr. Mudit Gupta for Defendant No.1(a).

Mr. Dinesh Purandare, Mr. Shilpan Gaonkar and Bhagwati Trivedi for Defendant Nos.2, 3, 4(a) to 4(c).

CORAM : R.I. CHAGLA J.
DATE : 8TH JULY, 2025.

ORDER :

1. The learned Counsel appearing for the Defendant Nos.1, 2, 3 and 4(a) to 4(c) states that as per the order dated 23rd April, 2025 costs of Rs.50,000/- was to be paid to the Plaintiffs. These Defendants had filed their statement of admission and denial of documents and the only compliance which remained for filing was

the Affidavit of Evidence.

2. The learned Counsel appearing for the Plaintiffs states that by the said Order dated 23rd April, 2025, a last chance was given to these Defendants to comply with the said Order by filing their Affidavit of Evidence which was to be filed within a period of two weeks from the said Order.

3. Having perused the said Order dated 23rd April, 2025, it appears that these Defendants have been granted several opportunities and this Court has observed that it was not once was indicated to the Court that there was any impediment in complying with the directions. It was only on the date of the said Order that this grievance had been made for non-compliance. Accordingly, this Court had imposed costs of Rs.50,000/-.

4. A plain reading of paragraph 6 of the said Order would be that, the cost was to be paid within a period of two weeks from the date of the said Order. However, the timeline for filing the Affidavit of Evidence had not been fixed. In the prior Order dated 19th March, 2025, this Court had granted a period of four weeks for

filing of these Defendants' Affidavit of Evidence.

5. In view thereof, a last opportunity is given to these Defendants to file their Affidavit of Evidence within a period of one week from today. No further time shall be given.

6. The learned Counsel appearing for the Defendant No.1 states that Defendant No.1a is a formal party. An Application will be taken out by the Defendant No.1a for dropping him as a party from to the Suit.

7. In view thereof, marking of documents shall be on the next date, after the filing of the Affidavit of Evidence of these Defendants.

8. Place the above Commercial Suit for marking of documents on 18th July, 2025 at 3.00 p.m.

[R.I. CHAGLA J.]