

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3469 OF 1992

Union of India ... Plaintiff

Versus

M/s Byramjee Jeejeebhoy Pvt. Ltd. and others ... Defendants

WITH

CHAMBER SUMMONS NO. 327 OF 2018

NOTICE OF MOTION NO. 2019 OF 2017

IN

SUIT NO. 3469 OF 1992

.....

Ms. Anamika Malhotra, Advocate for the Plaintiff.

Mr. Darshit K. Jain instructed by Ms. Divya D. Jain, Advocate for the Defendant No.1

Mr. Samarth Chowdhary alongwith Mr. Aditya Trivedi instructed by Indus Law, Advocate for the Defendant No.2.

Ms. Jyoti Chavan, Addl.GP For the State/Respondent No.3 in S-3469-1992.

.....

CORAM : ABHAY AHUJA, J.

DATE : 14 OCTOBER 2025

**PC. :**

1. This matter was kept back in the morning session, as the learned Counsel for the Union of India was not available.

2. When the matter is called out in the afternoon session, Ms. Malhotra, learned Counsel, appears for the Union of India and at the outset, seeks two weeks' time to pay costs in the matter.

3. Let costs as directed by order dated 2<sup>nd</sup> September 2025 be paid within the extended period of two weeks.

Digitally signed  
by KANCHAN  
PRASHANT  
DHURI  
Date:  
2025.10.15  
17:51:51  
+0530

KANCHAN  
PRASHANT  
DHURI

4. Ms. Malhotra further submits that she has instructions not to withdraw the Suit in as much as the issues relating to the decision of the Hon'ble Supreme Court relied upon by the Defendants No.1 and 2 have also been taken up by the said Defendants in their Written Statements and that thereafter issues have been framed and also that the Court Commissioner has been appointed to record cross-examination of the Plaintiff's witness. Ms. Malhotra submits that however, since the officers keep changing due to transfer/retirement, this Court may permit filing of fresh Affidavit of evidence of the officer presently in-charge of the matter.

5. Let the said Affidavit of evidence be filed within a period of three weeks, with copy to the other side.

6. Let the Court Commissioner already appointed in the matter complete recording of cross-examination of the Plaintiff's witness within a period of four weeks thereafter.

7. List on **9<sup>th</sup> December 2025**.

**Notice of Motion No. 2019 of 2017 :**

8. Mr. Chowdhary, learned Counsel, appearing for the Defendant No.2 submits that the Notice of Motion No.2019 of 2017 is infructuous.

9. Ms. Malhotra appearing for the Union of India agrees with the same.

10. Accordingly, the Notice of Motion stands disposed as infructuous.

**Chamber Summons No. 327 of 2018 :**

11. Ms. Malhotra, learned Counsel, appears for the Applicant and submits that this Chamber Summons seeks amendment of the Schedule of the Plaint to add certain areas.

12. Mr. Jain, learned Counsel, appearing for the Defendant No.1 and Mr. Chowdhary, learned Counsel, appearing for the Defendant No.2 submit that they have till date not received the said Chamber Summons.

13. Let the said Chamber Summons be served within a period of two weeks.

14. Let reply be filed within a period of three weeks thereafter, with copy to the other side. Rejoinder be filed within a period of three weeks thereafter, with copy to the other side.

15. List the Chamber Summons on **9<sup>th</sup> December 2025**.

**(ABHAY AHUJA, J.)**