
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.899 OF 2024

IN

SUIT NO.90 OF 2024

Crest Specialty Resins Private Limited
Through Chairman Ranjit Sen

....Applicant

Versus

Global Clearance And Logistes
Through Partners

Darshit Jayeshbhai Bhanushali & Ors.

....Respondents

Mr. Sunip Sen, Sr.Adv. a/w. Mr. Nishant Chothani, Mr. Manan Jaiswal & Ms. Niyati Shah i/b. MLS Vani & Associates, for Applicant.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 24, 2026

ORDER :

1. Having heard the Learned Senior Advocate appearing on behalf of the Applicant/Plaintiff, he has taken the Court through the pleadings in the Plaint to explain the manner in which the conduct of the Defendants stands impugned.

2. It is seen from the record that while Defendant Nos. 1 and 2 held themselves out as registered claimants with the customs authorities, it transpires that Defendant Nos. 3, 4, 5, and 6 are Partners of Defendant Nos.1 and 2. Defendant Nos. 3 and 4 are Partners of Defendant No. 2,

while Defendant Nos. 5 and 6 are partners of Defendant No. 1. Defendant No. 5 is stated to have refused service, whereas the other Defendants have been served by substituted service. Defendant No. 7 has been duly served but has failed to enter appearance.

3. Mr. Sen, Learned Senior Advocate, has invoked the provisions of Section 18 of the Indian Partnership Act, 1932, to contend that Defendant Nos. 1 and 2 and their respective partners act as agents, and therefore, the amounts entrusted to them are governed by the principles applicable to trustees who have received such funds.

4. Having examined the pleadings and the material on record, and considering the overall conduct of the proceedings, a *prima facie* case has been made out for grant of *ad interim* reliefs in terms of prayer clauses (a), (b), and (c), which read thus:

a) that pending the hearing and final disposal of the suit, this Hon'ble Court be pleased to order and direct the Defendants to disclose on affidavit the entire estates and properties, but not limited to the properties more particularly mentioned in Exhibit "H" and "I" to the Plaint, both movable and immovable, and to further disclose what, if any properties, have been sold/disposed of by them, and to give true and complete particulars and documents with regard thereto;

b) that pending the hearing and final disposal of the suit, this Hon'ble Court be pleased to pass an order of injunction restraining the Defendant Nos. 3, his representatives, servants, agents and/or any one claiming by or under them from in any manner transferring, encumbering, alienating, dealing with in any manner whatsoever and/or creating any third party right or interest in respect of the properties more particularly mentioned in Exhibit "H" to the Plaint;

c) that pending the hearing and final disposal of the suit, this Hon'ble Court be pleased to pass an order of injunction restraining the Defendant Nos. 9 & 10, their representatives, servants, agents and/or any one claiming by or under them from in any manner transferring, encumbering, alienating, dealing with in any manner whatsoever and/or creating any third party right or interest in respect of the properties more particularly mentioned in Exhibit "I" to the Plaintiff;

5. List the Suit on **June 24, 2026**. The Defendants shall be at liberty to explain why the ad interim measures ought to be vacated or modified.
6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]