



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO. 3 OF 2026**

Habib Esmail Memorial Trust. ...Plaintiff

Vs.

Shoreline Hotels Private Limited. ...Defendant

**WITH
INTERIM APPLICATION NO. 227 OF 2026
WITH
INTERIM APPLICATION NO. 5550 OF 2025**

Ms. Shaista Pathan, Mr. Dev Mistry i/b YNA Legal, LLP for the plaintiff.

Mr. Karl Tamboly, Ms. Bhakti M., Ms. Shubadha Khandekar, Ms. Letishiya Chaturvedi i/b. Wadia Gandhi and Co for the defendant.

CORAM : GAURI GODSE, J.

DATE : 9th MARCH 2026

ORDER :

1. Learned advocate for the defendant submits that the plaintiff has carried out the amendment to the plaint and changed the prayers.

2. Learned senior counsel for the plaintiff submits that the originally the suit was filed as regular suit and pursuant to order dated 8th May 2025 the suit was converted to commercial suit. Accordingly, the amendments were carried out. The prayers in the plaint available with the defendant

and the prayers in the court copy and the plaintiff's copy are different.

3. Learned senior counsel appearing for the plaintiff on instructions submits that the original plaint has been tendered in the suit board department. However, the instructing advocate is unaware about the date when the original plaint was handed over in the suit board department and to whom.

4. The suit is e-filed. Hence, as per Rule 10 of the e-Filing Rules of The High Court Of Bombay, 2022, the original documents are required to be preserved by the party/advocate who e-files it. It is the responsibility of the party/advocate who e-files any proceedings, to preserve the original and produce the same before the court, to prove the genuineness. Hence, it is difficult to ascertain, as to on what basis the original plaint was handed over in the suit board department.

5. A copy of this order be forwarded to the learned Prothonotary and Senior Master to make necessary inquiry as to whether any such practice is followed in the departments of accepting original pleadings and documents,

and also ascertain whether in the present case, original
plaint was accepted by the suit board department, as per the
statement made today on behalf of the plaintiff.

6. Stand over to 30th March 2026.

[GAURI GODSE, J.]