

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 888 OF 2008

NIRAD AMILAL MEHTA)...PLAINTIFF

V/s.

GENELEC LIMITED AND OTHERS)...DEFENDANTS

WITH

CHAMBER SUMMONS NO. 1388 OF 2016

IN

SUIT NO. 888 OF 2008

WITH

SUIT NO. 2061 OF 2009

Mr.R.A.Shah i/by M/s.Mansukhlal Hiralal and Co., Advocate for the Plaintiff.

Mr.Devanshu Desai, Advocate for the Defendant no.2.

Mr.Rajiv Narula i/by M/s.Jhangiani Narula & Associates, Advocate for the Defendants no.3 and 4.

Ms.Treesa Berry i/by M/s.Wadia Ghandy & Co., Advocate for the Defendant no.5.

Mr.Clive D'Souza, Advocate for the Applicants in CHS/1388/2016.

CORAM : ABHAY AHUJA, J.

DATE : 3rd FEBRUARY 2026

PC. :

1. When the matter is called out, Mr.R.A.Shah, learned Counsel, appears for the Plaintiff and once again seeks some more time, submitting that an Interim Application to add necessary parties is in the process of being filed.

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2. Mr.Devanshu Desai, learned Counsel, appears for the Defendant no.2 and submits that there is an Official Liquidator's Report also pending before this Court.

3. Mr.Clive D'Souza, learned Counsel, appears and submits that he appears for the Applicants in the Chamber Summons No.1388 of 2016, being the ex-directors to be joined as Defendants in the Suit.

4. The other learned Counsel appearing in the matter have no objection if the Chamber Summons is allowed, however, submitting that the Applicant no.2 has just passed away recently.

5. Having heard the learned Counsel and having considered their submissions, the Chamber Summons is allowed to the extent of the Applicant no.1.

6. Let the said Applicant no.1 be added as Defendant no.8. Let the amendments including consequential amendments be carried out within a period of two weeks and the amended proceedings be served.

7. The Chamber Summons is allowed and stands disposed as above.

8. Mr.Narula, learned Counsel, appears for the Defendants no.3 and 4 and submits that since the property in question has already been sold pursuant to the order of the Debt Recovery Tribunal, Calcutta, nothing would survive in the Suit.

9. Ms.Treesa Berry, learned Counsel appearing for the Defendant no.5, submits that her client is the purchaser of the said property prior to the auction sale by the Debt Recovery Tribunal, Calcutta.

10. The learned Counsel appearing in the matter submit that written statements have already been filed, issues have been framed and the Plaintiff's evidence is complete.

11. Mr.Shah submits that once the Interim Application to be filed, is filed and allowed, this Court can proceed in the Suit.

12. List on **1st April 2026**.

(ABHAY AHUJA, J.)