

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

COMMERCIAL SUIT NO.157 OF 2016

BHUPENDRA JIVRAJBHAI SURANI)...PLAINTIFF

V/s.

HDFC BANK LIMITED AND ORS)...DEFENDANTS

WITH
NOTICE OF MOTION NO.763 OF 2019
IN
COMMERCIAL SUIT NO.157 OF 2016
WITH
INTERIM APPLICATION NO.1173 OF 2022
IN
COMMERCIAL SUIT NO.157 OF 2016
WITH
INTERIM APPLICATION NO.1183 OF 2022
IN
COMMERCIAL SUIT NO.157 OF 2016
WITH
NOTICE OF MOTION NO.39 OF 2016
IN
COMMERCIAL SUIT NO.157 OF 2016
WITH
INTERIM APPLICATION (L) NO.11212 OF 2024
IN
NOTICE OF MOTION NO.763 OF 2019

Ms. Manisha Khemka (through Video Conferencing) a/w Ms.Vidhi Dugad i/b Khemka & Associates, Advocates for the Plaintiff / Applicant in COMS/157/2016, NMCD/39/2016, IAL/11212/2024, NMCD/763/2019 and for Respondent in IA/1183/2022 and IA/1173/2022.

Mr.Sameer Pandit a/w Ms.Sarrah Khambati, Mr.Aastik Agarwal i/b Wadia Ghandy & Co., Advocates for the Defendant No.1 (HDFC Bank).

CORAM : ABHAY AHUJA, J.

DATE : 13th JANUARY 2025

P.C. :

INTERIM APPLICATION (L) NO.11212 OF 2024

1. This Court is informed by Mr.Pandit, learned Counsel appearing for the original Defendant no.1, who was Respondent no.1 in the Interim Application, that reply has already been served and filed. Ms.Khemka, learned Counsel, appears for the Interim Applicant and seeks some more time to file rejoinder.

2. Let rejoinder be filed within a period of two weeks with a copy to the others.

**INTERIM APPLICATION NO.1173 OF 2022
AND
INTERIM APPLICATION NO.1183 OF 2022**

3. These two Applications have been filed by the Defendant no.4 who are the joint and several Trustees of the Plaintiff as having been appointed by the Hongkong Court at the time when the Plaintiff was declared a bankrupt there. Ms.Khemka appearing for the Plaintiff submits that these applications have not been served upon the Plaintiff. Ms.Khemka further submits that the Plaintiff has been discharged and

that writ of summons with respect to the Suit that has been sought to be served on the Defendant no.4 has been refused on 31st January 2023.

4. Be that as it may, since none appears for the Defendant no.4 – Applicant, this Court directs the said Defendant to serve the Interim Applications upon all concerned and file an appropriate affidavit of service. The parties who have been served, to file reply within a period of two weeks with a copy to the others. Rejoinder, in two weeks thereafter, with a copy to the others.

NOTICE OF MOTION NO.39 OF 2016

5. Ms.Khemka appearing for the Applicant – Plaintiff submits that reply has been filed to the said Notice of Motion and she has instructions not to file rejoinder.

NOTICE OF MOTION NO.763 OF 2019

6. Mr.Pandit submits that this Notice of Motion has been taken out by the Defendant no.1 and that the pleadings are complete except that no reply has been received from the Defendant no.4.

7. Let reply be filed by the Defendant no.4 within a period of two weeks with a copy to the others. Rejoinder in two weeks thereafter with a copy to the others.

8. List on **10th February 2025**.

9. It is made clear that if the Applicants to any of the Notices of Motion or the Interim Applications do not remain present on the next date or are not duly represented, this Court will consider dismissing those Applications / Notices of Motion.

(ABHAY AHUJA, J.)