

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

INTERIM APPLICATION NO. 618 OF 2025
IN
NOTICE OF MOTION NO. 763 OF 2019
IN
COMMERCIAL SUIT NO. 157 OF 2016

Bhupendra Jivrajbhai Surani ...Applicant /Plaintiff
V/s.
HDFC Bank Limited and Ors. ...Defendants

WITH
COMMERCIAL SUIT NO. 157 OF 2016
WITH
NOTICE OF MOTION NO. 763 OF 2019
IN
COMMERCIAL SUIT NO. 157 OF 2016
WITH
INTERIM APPLICATION NO. 1173 OF 2022
WITH
INTERIM APPLICATION NO. 1183 OF 2022
WITH
NOTICE OF MOTION NO. 39 OF 2016

Mr. Yatin Oza, Senior Advocate with Mr. Dhruv Chaudhary, Ms. Mansha Khemka and Ms. Vidhi Dugad i/b Khemka & Associates for the Plaintiff/Applicant.

Mr. Sameer Pandit with Ms. Sarrah Khambati and Mr. Aastik Aarwal i/b Wadia Ghandy & co. for the Defendant No. 1 in Suit and IA 618/25.

Mr. Mohit Bidhure with Mr. Piyush Deshpande for the Defendant No.4.

CORAM : ABHAY AHUJA, J.
DATE : 29th APRIL 2025

P.C. :

Interim Applications No.618 of 2025

1. Pursuant to the earlier orders of this Court, today when the matter is called out, Mr. Oza, learned Senior Counsel appearing on

behalf of the Interim Applicant has almost concluded his arguments in rejoinder.

2. When Mr. Oza, learned Senior Counsel has come to one of the arguments that the Defendant No. 4 has filed vakalatnama without proper authority and has referred to paragraphs no. 8 to 11 of the Interim Application, one Mr. Bidhure, learned Counsel appears and submits that he is appearing for the Defendant No.4 and also the Respondent No. 4 in the Interim Application and that some time be granted to file reply to the Interim Application.

3. It is observed that no reply has been filed by the Respondent No.4 despite service.

4. Mr. Pandit, learned Counsel appearing for the Respondent No. 1-Bank surprisingly submits that since no reliefs have been claimed against the Respondent No. 4, no reply had been filed by the Respondent No. 4.

5. However, after Ms. Khemka had argued the Interim Application and concluded her arguments and after Mr. Pandit, learned Counsel for the Respondent No.1 has concluded his arguments in reply and when

Mr. Oza, learned Senior Counsel appearing for the Interim Applicant has almost concluding his arguments in rejoinder, time is being sought on behalf of the Respondent No.4 to file reply.

6. This is unacceptable and particularly considering that this is a commercial matter, the request for time to file reply at this stage cannot be allowed without payment of costs.

7. However, since, Mr. Oza, learned Senior Counsel has submitted that the Defendant No. 4 at the very outset had no proper authority to have a vakalatnama filed, merely on the basis of letters dated 21st April, 2011 and 12th December, 2021, this Court is of the view that it would be appropriate to permit the Respondent No.4 to have a say in the matter, but not without payment of costs.

8. Accordingly, subject to payment of costs of Rs. 50,000/- to the Indian Army Welfare Fund within a period of two weeks, let reply by the Respondent No.4 be filed within a period of 2 weeks after payment of costs with a copy to the others. Rejoinder(s) in two weeks thereafter with copy to the others.

9. List on **24th June, 2025 as Part Heard.**

(ABHAY AHUJA, J.)