

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL SUIT NO. 769 OF 2017

KAPILA INFRASTRUCTURE LIMITED)...PLAINTIFF

V/s.

S. S. DEVELOPERS AND OTHERS)...DEFENDANTS

**WITH
INTERIM APPLICATION NO. 1236 OF 2020
WITH
NOTICE OF MOTION NO. 679 OF 2017
WITH
INTERIM APPLICATION (L) NO. 35266 OF 2024
WITH
INTERIM APPLICATION (L) NO. 31057 OF 2023**

Ms.Vidhya Nair a/w. Mr.Sumeet Tirthani i/by Mr.Dhiren Shah,
Advocate for the Plaintiff/Applicant.

Mr.Siddharth Jha a/w. Ms.Apeksha Sharma i/by Law Global, Advocate
for the Defendants no.1 to 3.

Ms.Neha Shah, Advocate for the Defendant no.4.

Mr.Mayur Sosa a/w. Mr.Saurabh Tamhankar i/by Mr.Divarkar Rai,
Advocate for the Defendant no.6.

Mr.Agnel Carneiro a/w. Ms.Gayatri Sathe i/by Mulla & Mulla & CBC,
Advocate for the Defendants no.15 and 16 and for the proposed
Defendant no.20.

CORAM : ABHAY AHUJA, J.

DATE : 10th FEBRUARY 2025

PC. :

INTERIM APPLICATION (L) NO. 31057 OF 2023

1. Mr.Mayur Sosa, learned Counsel, appears for the Defendant no.6 and submits that he has not received a copy of the Interim Application for amendment of the plaint.

2. Let the Interim Application be served forthwith upon the learned Counsel for the Defendant no.6. Let reply to the Interim Application be filed within a period of one week with a copy to the other side. Rejoinder, in one week thereafter, with a copy to the other side.

3. Mr.Agnel Carneiro, learned Counsel, appears for the Defendants no.15 and 16 and for the proposed Defendant no.20 and submits that reply has already been served, however, this Court may direct the Registry to accept the same.

4. Registry to accept the reply on behalf of the proposed Defendant no.20

5. Mr.Carneiro also submits that he be permitted to file reply on behalf of the Defendants no.15 and 16.

6. Let reply positively be filed within a period of one week with a copy to the other side. Rejoinder, in one week thereafter, with a copy to the other side.

7. Let objections to the Interim Application be removed by the next date and a registered number be obtained, failing which, the Interim Application to stand dismissed without further reference to the Court.

INTERIM APPLICATION (L) NO. 35266 OF 2024

8. Mr.Mayur Sosa, learned Counsel, appearing for the Defendant no.6 / Interim Applicant submits that copy of the reply is yet to be received.

9. Ms.Vidhya Nair, learned Counsel, appearing for the Plaintiff submits that reply has already been filed, however, a copy would be served upon the Applicant during the course of the day and also seeks sometime to file rejoinder.

10. Let rejoinder be filed within a period of two weeks with a copy to the other side.

11. Let objections to the Interim Application be removed by the next date and a registered number be obtained, failing which, the Interim Application to stand dismissed without further reference to the Court.

COMMERCIAL SUIT NO. 769 OF 2017

12. Ms.Vidhya Nair, learned Counsel, appearing for the Plaintiff submits that she has served some of the Defendants and seeks some more time to serve the unserved Defendants.

13. Let the unserved Defendants be served by the next date and an appropriate affidavit of service be filed.

14. List on **26th March 2025**.

(ABHAY AHUJA, J.)