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2025:BHC-OS:18366

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

INTERIM APPLICATION NO.4652 OF 2025
IN
COMMERCIAL SUIT NO.129 OF 2024

Zarna Vinay Shah

...Applicant

IN THE MATTER BETWEEN:

M/s. Gold Coin Builders

...Plaintiff

Versus

1(a). Zarna Vinay Shah & Ors.

...Defendants

Mr. Mudit Gupta a/w Mr. Akshay Doctor for the Applicant.

Mr. Sachin Mandlik a/w Ms. Aditi Tamhankar & Ms. Shravani
Deshmukh i/by Mandlik & Partners for the Plaintiff.

Mr. Dinesh Purandare a/w Mr. Shilpan Gaonkar & Ms. Bhagwati Trivedi
for Defendant Nos. 2, 3, 4(a) to 4(c).

Mr. Hemchand Gala, Representative of Plaintiff present.

CORAM : JITENDRA JAIN, J.

DATE : 9 OCTOBER 2025

P.C.:

1. This application is taken out by Defendant No.1(a) seeking deletion of her name from the Commercial Suit No.129 of 2024. In the application, in paragraphs *inter alia* 7, 9, 11 and 12 she has stated on oath that she does not have any right, title and interest of any nature whatsoever in the suit property from any of the heirs or in her individual capacity.



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2. The reply filed to the said application on behalf of Defendant Nos.2, 3, 4(a) to 4(c) is taken on record.

3. In reply filed to the said application on behalf of Defendant Nos.2, 3, 4(a) to 4(c), these Defendants in paragraph 3 have stated as under:-

“3. Without prejudice to the above contention, we hereby undertake to this Hon'ble Court that we do not have any objection for allowing the captioned interim application of the Applicant / Defendant No.1a and that the rights claimed by us in the suit property shall carry any claim or liability, if any, that may arise in respect of the suit property.”

4. The learned Senior Counsel for Defendant Nos.2, 3, 4(a) to 4(c), on instructions, states that in the light of the averments made in the Interim Application and the reply referred to above, it is clear that the Defendant No.1(a) does not have any right, title and interest in any manner whatsoever in the suit property and whatever is ultimately decided in the present suit would be *qua* Defendant Nos.2, 3, 4(a) to 4(c).

5. In view of above, the Interim Application is allowed in terms of prayer clause (a) and the Plaintiff is directed to delete the Defendant No.1(a) from the array of the parties of the present suit.

6. The Interim Application is disposed of in above terms.

[JITENDRA JAIN, J.]