

ITEM NO.5

COURT NO.17

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12829/2026

[Arising out of impugned final judgment and order dated 23-02-2026 in IA No. 5160/2025 in Suit No.75/2021 passed by the High Court of Judicature at Bombay]

SUHAS R. LOHOKARE

Petitioner(s)

VERSUS

NATIONAL PEROXIDE LIMITED &amp; ORS.

Respondent(s)

FOR ADMISSION

Date : 15-04-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) Mr. Gautam Narayan, Sr. Adv.  
Mr. Aman Raj Gandhi, AOR  
Mr. Sameer Pandit, Adv.  
Ms. Krina Gandhi, Adv.  
Ms. Saloni Kumar, Adv.  
Mr. Chaitanya Sharma, Adv.  
Ms. Chandni Turakhiya, Adv.  
Ms. Asmita Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. Heard Mr. Gautam Narayan, learned Senior counsel for the petitioner.
2. The present proceeding arises out of an order permitting the respondents-plaintiffs to issue a writ of summons to the petitioner-defendant within a period of four weeks from the date of the impugned order. The plea of the petitioner-

defendant is that under Rule 69 of The Bombay High Court (Original Side) (for short, 'Original Side Rules'), a writ of summon in the prescribed form ought to be issued by the plaintiffs. Further, under Rule 87 of the Original Side Rules (pdf 234 page 213), if the writ of summons is not served within six months, the Prothonotary and Senior Master shall, unless good cause is shown, place the suit on board for dismissal. According to learned Senior Counsel for the petitioner, the suit was placed before the Judge having jurisdiction first on 10.10.2024, when the plaintiffs did not appear either in person or through counsel. The suit was stood over to 12.12.2024 and the respondents-plaintiffs were directed to take steps to serve the defendant with a writ of summons.

3. Thereafter the matter placed before the Judge on 23.01.2025 when again none appeared for the plaintiffs.

4. After noticing that the plaintiffs have failed to comply with the order dated 10.10.2024, the suit was directed to be listed under the caption 'dismissal' against unserved defendant and the matter was stood over to 25.02.2025. On 25.02.2025 the Prothonotary and Senior Master (pdf 251 page 228) dismissed the suit under Original Side Rule 87 for non-prosecution.

5. Against the order of the Prothonotary and Senior Master, an application for restoration of suit was filed which has been disposed of by the impugned order. By the impugned order, the High Court has accepted the explanation of the

respondents-plaintiffs that the default happened due to inadvertence and going further imposed a cost of Rs.10,000/- on the petitioner-defendant.

6. Mr. Gautam Narayan, learned Senior counsel for the petitioner submits that the main question is about non-compliance with the mandatory provision of Rule 69 read with 87 of the Original Side Rules. The total delay between lodging of the suit on 01.10.2020 and the date of order of the Prothonotary and Senior Master dismissing the suit is 1438 days.

7. Independent of the merits of the matter this is a suit by the employer against the former managing director and other(s), claiming damages in the range of Rs.300 Crores. Mr.Gautam Narayan, learned Senior counsel for the petitioner submits that prior to the suit of respondents-plaintiffs on 13.09.2020, the petitioner had filed a suit claiming his retiral dues in the range of Rs.8 Crores as well as damages in the range of Rs.18 Crores.

8. Without prejudice to the rights and contention, we are of the opinion that parties should sit together and amicably resolve their dispute.

9. Let notice be issued to the respondents, returnable on 18<sup>th</sup> May, 2026.

10. Mr. Gautam Narayan, learned Senior counsel for the petitioner submits that the petitioner is about 80 years old and has still not got his retiral dues, though the termination happened on 15.12.2017. The statement is placed on record.

11. Considering that we have suggested mediation, there shall be stay on further proceedings on both the suits bearing Nos.34/2021 and 75/2021, filed by the petitioner as well as by the respondents, till further orders from this Court.

(NIRMALA NEGI)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
COURT MASTER (NSH)