

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No.436 OF 2016

IN

SUIT NO. 12 OF 2013.

Radhakishan
S. Ladda

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S. Ladda
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Parinay Sinha

..Applicant.

In the matter between:-

Parinay Sinha

..Plaintiff.

Vs

The Hongkong and Shanghai

Banking Corporation Ltd. & Ors

..Defendants.

Ms. Pradnya Shinde I/by Monika Parikh & R.G. Bhat
for Applicant/Plaintiff.

Ms. Upasana Vani I/by Wadia Ghandy & Co. for defendant No.1.

Ms. Neha Bhatt I/by Bilawala & Co. for Defendant Nos. 2 and 3.

CORAM : B.P. COLABAWALLA, J.

DATED :- 22ND AUGUST, 2019.

P.C. :-

1) This Notice of Motion has been filed inter alia seeking the following reliefs:-

(a) that pending the hearing and final disposal of this suit, this Hon'ble Court may be pleased to pass an order of injunction restraining the defendants, their officers or any person/s and/or claiming and/or representing the defendant No.1 from passing any termination orders

against the Plaintiff without following due process of law;

(b) that pending the hearing and final disposal of this Suit, this Hon'ble Court be pleased to stay effect, implementation, execution and operation of the suspension order dated 28.3.2012 annexed at **Exhibit-B** passed by the Defendants against the Plaintiff;

(c) that pending the hearing and final disposal of this Suit, this Hon'ble Court be pleased to direct the Defendant No.1 to provide copies of all documents as listed in Exhibit H to the plaint, being the Complaints, statements, initial assessment reports, policy papers, etc. of all the inquiries conducted by various committees till date and/or any other papers and proceedings which resulted into the order of suspension dated 28.3.2012 of the Plaintiff by the Defendant No.1.

(d) that pending the hearing and final disposal of this Suit, this Hon'ble Court be pleased to direct the Defendant No.1 to deposit in this Hon'ble Court originals of all documents as listed in Exhibit H to the plaint, being the Complaints, statements, initial assessment reports, policy papers etc. of all the inquiries conducted by various committees till date and/or any other papers and proceedings which resulted into the order of suspension dated 28.3.2012 of the Plaintiff by the Defendant No.1.

(e) that pending the hearing and final disposal of this Suit this Hon'ble Court be pleased to direct the Defendants to deposit in Court pass a sum of Rs.64,00,00,000 (Sixty Four Crores) or such other sum as this Hon'ble Court may deem fit as and by way of a security for the compensation payable by the Defendants to compensate the Plaintiff for causing mental harassment, loss of job opportunities and healthy living;

(f) For ad-interim reliefs in terms of prayer clause (a) to (e) above;

(g) For costs; and

(h) For such other and further reliefs as the circumstances of the case may require and as this Hon'ble Court may deem fit and proper.

2) As far as prayer clauses (a) and (b) are concerned, the same do not survive any more as the services of the plaintiff have

been already terminated by defendant No.1 on 16th February, 2013. This being the case, nothing survives as far as prayer clauses (a) and (b) are concerned. As far as prayer clauses (c) and (d) are concerned, there were two orders passed by this Court. The 1st order was passed on 18th January, 2013 and the 2nd on 30th January, 2013. The order dated 30th January, 2013 reads thus :-

“The learned Senior Advocate appearing for Defendant No.1 informs the Court that they will be providing copies of the documents sought for by the Plaintiff on or before 2nd February, 2013 to the Advocate for the Plaintiff, as agreed in the list of documents tendered in Court and taken on record and marked “X” for identification. The learned Senior Advocate appearing for Defendant No.1 has, after obtaining instructions, informed the Court that the final decision qua the complaints received by the Defendant No.1 from the Defendant Nos. 2 and 3 against the Plaintiff shall be taken and conveyed to the Plaintiff on or before 18th February, 2013. In view thereof, S.O. to 25th February, 2013.”

3) It has been brought to my attention that the order dated 30th January, 2013 has been complied with by defendant No.1 and which is duly recorded in their Advocate's letter dated 1st February, 2013. This being the case, even as far as the prayer clauses (c) and (d) are concerned, the same would not survive any more. As far as prayer clause (e) is concerned, there is no question of granting any order of deposit as this would amount to virtually decreeing the suit

at the interim stage. In view of the above observations, the Notice of Motion is disposed of. No order as to costs.

(B.P. COLABAWALLA, J.)