

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMON NO. 1027 OF 2017
IN
SUIT NO. 1848 OF 2008

Phoenix ARC Pvt. Ltd. (Trustee of
"Phoenix Trust – FY17-18")

...Applicant/
Defendant no.6

In the matter between

Surendra Laxman Raval

...Plaintiff

Versus

Mr. Shankar Dutt & ors.

...Defendants

AND

Phoenix ARC Private Limited

...Intervener

Mr. Prashant A. Nakati, for the Plaintiff.

Mr. Susmit Phatate, for Defendant no.2.

Ms. Aneesa Cheema, a/w Mithila Damle, i/b Mahima Sinha,
for Phoenix ARC Ltd., Assignee of South Indian Bank
Ltd.

CORAM: N. J. JAMADAR, J.

DATED : 25th NOVEMBER, 2019

PC:-

1. Heard the learned Counsels for the parties.
2. This Chamber Summons is taken out by the applicant, who is the assignee of the debt owned to the South Indian Bank Ltd., by defendant nos.1 to 3. The applicant claims to be an Asset Reconstruction Company registered under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest ("SARFAESI") Act, 2002. The assignment of loan is evidenced by the Assignment Agreement

dated 17th March, 2017, a copy of which is annexed to the chamber summons at Exhibit 'A'.

3. For the reasons assigned in the Affidavit in support of the chamber summons and the assignment as evidenced by the Assignment Agreement, the chamber summons stands allowed in terms of prayer Clause (a).

4. The plaint and Notice of Motion No.287 of 2016 be accordingly amended forthwith.

[N. J. JAMADAR, J.]