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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 186/2019**

RIDHIMA M. DOSHI & ORS. Plaintiffs

Through: Mr. Balbir Singh, Sr. Adv. with mr.
Chirag M. Shroff, Mr. Shyam Gopal,
Mr. K. Gurumurthy & Ms. Abilasha
Bharti, Advs.

Versus

STATE BANK OF INDIA & ORS. Defendants

Through: Mr. Jay Salva, Sr. Adv. with Ms. Ekta
Chaudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **24.02.2020**

IA No.10499/2019 (of the plaintiff under Section 151 CPC)

1. The plaintiffs, after withdrawal on 15th July, 2019 of IA No.9360/2019 for recall of the order dated 20th May, 2019 of dismissal of the suit and thereafter for withdrawal of the suit, have filed this application for the same relief.
2. I have heard the senior counsel for the plaintiffs / applicants.
3. Having not found any case pleaded in this application also, for recall of the order dated 20th May, 2019 dismissing the suit and thereafter allowing the suit to be withdrawn, I have enquired from the senior counsel for the plaintiffs / applicants the prejudice if any suffered by the plaintiffs by the dismissal of the suit inasmuch as the plaintiffs / applicants after, recall of the order of the dismissal of the suit are seeking to withdraw the suit.

4. The senior counsel for the plaintiffs / applicants has fairly stated that there is no prejudice except to the extent the show cause notice has been issued to the plaintiff no.5 vide the said order dated 20th May, 2019.
5. That would then be a defence to the show cause notice and if the plaintiff no.5 is able to show that the notice is to be discharged, notice will be discharged and is not a ground for recall of the entire order or for permitting the suit to be withdrawn by recalling the order of dismissal of the suit.
6. Thus, saving the right of the plaintiff no.5 to defend the show cause notice, the application is dismissed.
7. The counsel for the defendants states that plaintiff no.5 in the additional affidavit filed has stated that the plaintiff no.5 is now in a position to deposit the amount of Rs.15 crores which he had undertaken to deposit and if deposits even now, the defendants would not press for contempt action.
8. The senior counsel for the plaintiff no.5 controverts that there is any such statement in the affidavit.
9. The senior counsel for the plaintiff no.5/noticee states that for addressing on the show cause notice, certain additional documents are required to be filed.
10. List on 14th May, 2020.

RAJIV SAHAI ENDLAW, J

FEBRUARY 24, 2020

‘gsr’..