

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2020
IN
SUIT 462 OF 2013

Yes Bank Ltd	...Applicant
<i>In the matter between</i>	
Madhu Ashok Kapur & Ors	...Plaintiffs
<i>Versus</i>	
Rana Kapoor & Ors	...Defendants

Mr Rohan Dakshini, with Ms Nikita Mishra i/b M/s. Rashmikan & Partners, for the Plaintiffs.
Mr Indranil Deshmukh, with Ms Gathi Prakash, i/b Cyril Amarchand Mangaldas, for Defendants Nos. 6 to 18.
Mr Sanjay Nambiar, representative of Defendant No. 6, present.
Mr Shagun Kapur Gogia, Plaintiff No. 2 present in person.

CORAM: G.S. PATEL, J
(Through Video Conference)
DATED: 9th June 2020

PC:-

1. Heard by video conferencing. Urgency has been made out.
2. The Plaintiffs seek withdrawal of the suit.

Digitally
signed by
Shephali
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Date:
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3. Draft minutes of the order are tendered. The draft minutes are in order. However, it is not possible to mark these for identification. Hence, they will be incorporated in this order.
4. There is no objection to the withdrawal by the Defendant No. 6, Yes Bank Limited, one of the principal contesting defendants. In fact, Defendant No. 6 has also filed a praecipe supporting the application.
5. The suit is dismissed as unconditionally withdrawn. There will be an order in terms of the draft minutes tendered by email. The draft minutes are reproduced below.

DRAFT MINUTES OF THE ORDER

1. The Plaintiffs have agreed to withdraw the Suit and Appeal No. 322 of 2016 (along with Notice of Motion No. 960 of 2018 filed in the said Appeal) filed in the above Suit and simultaneously Defendant No.6 has agreed to withdraw Appeal No. 464 of 2015 filed in the above Suit.
2. Vide its order dated 25th June 2014 passed in Chamber Summons (L) No. 800 of 2014 in the captioned Suit, Defendant No. 6 had deposited in Court a USB pen drive containing a digital video recording of the 10th Annual General Meeting of Defendant No. 6. The said pen drive is in the custody of the Prothonotary and Senior Master under a sealed envelope. Similarly, vide its order dated 18th June

2015 passed in Chamber Summons (L) No. 1048 of 2015 in the captioned Suit, Defendant No. 6 had tendered a USB pen drive containing a digital video recording of the 11th Annual General Meeting of Defendant No. 6. The said pen drive is in the custody of the Prothonotary and Senior Master under a sealed cover. The Prothonotary and Senior Master is directed to hand over to the Plaintiffs, under intimation to Defendant No.6, the said video recordings of the 10th and 11th Annual General Meetings of Defendant No. 6 after the lockdown is lifted and Court resumes functioning.

3. The Plaintiffs undertake that (i) they shall maintain strict confidentiality in relation to the said video recordings of the 10th and 11th Annual General Meetings of Defendant No. 6 and shall not disclose or part with possession thereof either in full or part with any third party; (ii) the said video recordings shall not be used for making claims or initiating any further legal proceedings etc., against the Defendant No.6, its present directors, employees or officers. The aforesaid undertakings are accepted.

4. The interim order dated 4th June 2015 passed in the above Suit stands vacated.

5. The Suit stands disposed of as withdrawn. Interim Application is also disposed of.

6. There shall be no order as to costs.

7. Refund of court fees as per rules.

6. It is noted that clause 4 of the draft minutes specifically seeks that the interim order of 4th June 2015 do stand vacated. This is noted.

7. Refund of the Court fees in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(G. S. PATEL, J)