

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2561 OF 2021
IN
APPEAL FROM ORDER NO.75 OF 2021

YES Bank Limited] ... Applicant/Appellant

Versus

Mr. Kunal Jiwarajka & Ors.] ... Respondents

Mr. Vishal Kanade a/w Ms. Sushmita Gandhi & Ms. Anamika Singh i/b
Indus Law for Applicant / Appellant.

Mr. Rajiv Chavan, Senior Advocate a/w Ms. Priyanka Dubey & Ms. Megha
Gupta for Respondents.

CORAM :- A. S. GADKARI, J.

DATE :- 28 SEPTEMBER, 2021

P. C. :-

1. The Appellant / original Defendant has impugned Order dated 29/09/2020 passed in Notice of Motion No.1220 of 2020 in Commercial Suit No.450 of 2020 filed by the Respondents allowing the said Notice of Motion, thereby temporarily restraining the Appellant from taking any coercive action upon notice dated 12/12/2019 issued by the Appellant – Bank and from branding the Respondents as willful defaulters and other consequential reliefs.

2. The record indicates that, in the interregnum, the trial Court, by an Order dated 09/09/2021 passed below Exh.11, has fixed the schedule for conducting the said Commercial Suit No.450 of 2020 filed by the Respondents. As per the said schedule, the final arguments are to be completed on or before 17/02/2022 by both the sides.

3. This Court is therefore of the view that if at this stage, stay to the impugned order is granted, the Suit filed by the Respondents which has now reached the stage of trial, would render infructuous. As noted earlier, the trial of Suit will be completed in the month of February 2022 and therefore, grant of stay to the impugned order would not be appropriate. Interim relief is therefore rejected.

4. Interim Application No.2561 of 2021 is accordingly disposed off.

(A. S. GADKARI, J.)