

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 676 OF 2020

IN

COMMERCIAL SUTT NO. 399 OF 2019

Sapan and Deepali Gupta ... Applicants

In the matter between

Kotak Mahindra Bank Limited ... Plaintiff

vs.

Mr. Kishore Krishnarao Avarsekar & Ors. ... Defendants

Mr. Rohit Gupta a/w. Ms. Jyoti Sanap i/b. Mr. V. Deshpande & Co. for the Plaintiff in COMS/399/2019.

Mr. Vishal S. Shriyan for the Applicant.

Mr. Vivek Dwivedi i/b. Naik Naik & Co. for Defendant nos. 1, 3, 4, 5 and 6.

Ms. Isha Bafna i/b. M/s. Jayakar & Partners for Defendant nos. 2, 9, 10 and 11.

Mr. Sanjiv Punalekar a/w. Mr. Suraj Iyer, Ms. Gauri Joshi i/b. M/s. Ganesh & Co. for Defendant nos. 15, 18 and 19.

CORAM : A. K. MENON, J.

DATED : 6th JANUARY, 2021

P.C. :

1. The applicants have filed this present interim application seeking a direction to the plaintiff that they be deleted from the array of parties

in the suit since there were licencees in respect of the suit flat which is said to have been purchased by defendant no. 18. The applicants also desire to hand over the key of the flat.

2. Mr. Punalekar who appears for the defendant no. 18 states that one set of keys are already with defendant no. 18. None of the parties have controverted this statement. Accordingly, I pass the following order:

(i) It is directed that the key be deposited by the applicants with the Prothonotary and Senior master within one week from date of uploading this order.

(ii) Upon such key being deposited and by consent of the plaintiff suit against the applicants will stand dismissed. Prothonotary and Senior Master to retain the key in safe custody.

(iii) It is made clear that this order will not prejudice the plaintiff right to seek relief in the pending interim application.

(iv) Interim Application disposed in the above terms.

(A. K. MENON, J.)

Rajeshwari
R. Pillai
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by Rajeshwari
R. Pillai
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