

OC 2

CS/55/2020
IA NO: GA/2/2020, GA/3/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

BASUDEV BUILDERS PRIVATE LIMITED AND ANR.
VS
SOUTH INDIAN BANK LIMITED AND ANR.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date : 9th February, 2022.
[Via Video Conference]

Appearance:
Mr. Jishnu Chowdhury, Adv.
Mr. Anirudha Agarwalla, Adv.

Mr. Avishek Guha, Adv.

The Court: Mr. Jishnu Chowdhury, counsel appearing on behalf of the plaintiff, submits that parties have entered into a terms of settlement and prays for a decree in terms thereof. He further submits that since no claim has been made against the defendant no.2, the defendant number two's name may be expunged from the present suit being CS No.55 of 2020.

Department is, accordingly, directed to expunge the name of the defendant no.2. Furthermore, in my view Clause 17 of the Terms of Settlement is required to be deleted. Accordingly, the same shall stand deleted and not be part of the Terms of Settlement.

Department is directed to expunge the name of the defendant no.2 and thereafter pass the decree in terms of the terms of settlement provided. The

party shall be at liberty to move the learned Recovery Tribunal to dispose all the applications that are pending before the same and the learned Tribunal is directed to act in accordance with law in an expeditious manner.

Department is directed to draw up the decree expeditiously.

All interlocutory applications, if any, shall stand disposed of.

(SHEKHAR B. SARAF, J.)

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