

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

CHAMBER SUMMONS NO.837 OF 2019

IN

COMMERCIAL SUIT NO.267 OF 2018

Asset Care & Reconstruction Enterprise Ltd. .. Applicant

In the matter between

Credit Agricole & Corporate Investment Bank .. Plaintiff

Vs.

DBS Bank Ltd. .. Defendant

Mr. Cyrus Ardeshir, i/by Mr. Vikrant Zunjarrao and Ms. Vibha Joshi, i/by Zunjarrao & Co., for the Applicant / Plaintiff.

Mr. Shubhabrata Chakraborti, with Ms. Hafeez Patanwala, i/by Juris Corp, for the Defendant.

CORAM : A. K. MENON, J.

DATE : 6TH JANUARY, 2022.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. By this chamber summons, the applicant seeks its substitution as plaintiff instead of Credit Agricole & Corporate Investment Bank. The application is filed on the basis that the debt has been assigned by the original plaintiff to the present applicant under the Assignment Agreement dated 22nd February 2019, a copy of which appears at Exhibit-A to the chamber summons.

2. On behalf of the defendant, Mr. Chakraborti fairly states that there is no dispute of the fact that the assignment had taken place. In view thereof, he submits to the orders of the court. Mr. Chakraborti however submits that neither the plaint nor the writ of summons has been served upon the defendant. Mr. Ardeshir undertakes to ensure that all formalities are complied with. Mr. Chakraborti further states that he has instructions to waive service of writ of summons, subject to copy of the plaint being provided today and time being granted to file written statement.

3. In view thereof, I pass the following order :-

- (i) Chamber Summons is allowed in terms of prayer clauses (a) and (b), subject to clarification that in the Schedule to the chamber summons, the date of the Deed of Assignment mentioned as “25th February 2019”, shall, while carrying out amendment, be corrected as “22nd February 2019”.
- (ii) Subject to the above, chamber summons is disposed.
- (iii) On behalf of the defendant, Mr. Chakraborti waives service of writ of summons.
- (iv) In view of service of writ of summons being waived, copy of the plaint shall be furnished by the plaintiff's Advocate to the defendant's Advocate not later than 7th January 2022.

- (v) Written statement shall be filed within the time specified under the Commercial Courts Act, 2015 and a copy thereof shall be served on the other side well in advance.

(A.K. MENON, J.)