

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUMMARY SUIT NO.57 OF 2022**

Special Situation Advisors (India) Pvt. Ltd.

... Plaintiff

V/s.

Bank of India

... Defendant

**WITH
COMMERCIAL APPEAL (L) NO.1334 OF 2023**

Mr. Akash Menon a/w Ms. Sanjana Pande i/by Akash Menon for the Plaintiff.
Mr. Ankur Kumar a/w Ms. Bindu Bhatia and Ms. Akshita Jain for the Defendant.
Mr. Zenith Jain, representative of Defendant-Bank of India is present.

CORAM : ARIF S. DOCTOR, J.

DATE : 01ST MARCH 2023

P.C. :

1. Learned Counsel appearing on behalf of the Defendant invites my attention to the order dated 24/02/2023 passed by the Hon'ble Supreme Court, by which the Hon'ble Supreme Court has *inter alia* directed as follows :-

"Meanwhile, operation of the impugned Judgment dated 28-11-2022 passed by the High Court of Judicature at Bombay shall remain stayed. However, proceedings in the Civil Suit shall continue. The petitioner-Bank shall be permitted to file written statement within two weeks and thereafter Civil Suit shall proceed, subject to giving an undertaking by them by way of an affidavit that, in the event the suit succeeds, the decretal amount shall be deposited with the Civil Court within one month, without prejudice to the right to appeal etc."

2. Learned Counsel appearing on behalf of the Defendant today filed the Affidavit-cum-Undertaking in terms of the order dated 24/02/2023 passed by the Hon'ble Supreme Court. The said Affidavit-cum-Undertaking is taken on record.

3. In terms of the order of the Hon'ble Supreme Court, the Defendant shall file its Written Statement on or before 10/03/2023.

4. Stand over to 29/03/2023 for admission and denial of documents.

5. Both learned Counsel point out that Commercial Appeal (L) No.1334 of 2023 is also shown on today's board and the same requires to be removed from the board. Hence, the same shall be removed from board.

(ARIF S. DOCTOR, J.)