



\$~96

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3447/2024 & CM APPL. 55630-55632/2024**
BANK OF BARODAPetitioner

Through: Mr. Prateek Kushwaha, Advocate
(through VC).

versus

MR SATISH KUMAR SETHI & ANR.Respondent
Through: Mr. Mohit Chaudhary with Ms.
Vaishali Shukla, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
23.09.2024

%

1. The petitioner Bank is defending a suit for declaration, injunction and damages filed by respondents herein.
2. Plaintiff had also moved an application before the learned Trial Court seeking interim relief and the learned Trial Court vide order dated 03.06.2024, restrained the defendant Bank from proceeding any further in relation to demand notice dated 21.03.2024.
3. According to petitioner (defendant before the learned Trial Court), it had moved an application under Order VII Rule 11 CPC and the suit in question could not have been entertained and was liable to be rejected outrightly, being barred by law. According to defendant bank, the appropriate remedy for the plaintiffs was to file appropriate objections in terms of provisions contained under Insolvency and Bankruptcy Code, 2016, before learned National Company Law Tribunal (NCLT).

CM(M) 3447/2024

1



4. Learned counsel for respondents appears on advance notice and accepts notice.

5. After hearing the arguments for some time, learned counsel for petitioner states that, while reserving his rights and contentions, he would not press the present petition. He, however, seeks liberty to file an application before the learned Trial Court seeking early hearing of the matter. He further states that he has already moved an application under Order VII Rule 11 CPC and would also move an application seeking vacation of the aforesaid restrain order and the learned Trial Court may be requested to consider those, as expeditiously as possible, keeping in mind the nature of issue involved.

6. According to learned counsel for respondent /plaintiff, though the above said contention made by the petitioner Bank is fallacious but he would have no objection if an application is moved seeking early hearing of the matter and the learned Trial Court takes appropriate decision with respect to the contention raised by the petitioner Bank.

7. Viewed thus, the present petition is disposed of as not pressed. All the rights and contentions of the parties are left open.

8. Both the parties would appear before the learned Trial Court on 04.10.2024 at 2:00 P.M. and the petitioner Bank would be at liberty to make appropriate request in this regard before the learned Trial Court and it is expected that learned Trial Court would deal with the aforesaid request in accordance with law, after hearing both the sides.

9. It is also reiterated that all the rights and contentions of the parties have



been left open and the observation made herein would not prejudice the learned Trial Court in any manner whatsoever.

MANOJ JAIN, J

SEPTEMBER 23, 2024/sw