

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12276 OF 2024

Debashis Nanda ...Petitioner
Versus
Daresaheb Saheb Patel ...Respondents

Mr. Shadab Jar i/b Mr. Sankalp Shrivastava, for the Petitioner.
Mr. Gaurav Sharma, through VC, for the Respondents.

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CORAM: N. J. JAMADAR, J.
DATED: 3rd NOVEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 13th February, 2023, passed by the learned Civil Judge, whereby the learned Civil Judge has refused to stay the proceeding in RCS No.706 of 2023.
3. The learned Civil Judge was of the view that the order passed by the NCLT, Mumbai Bench, on 26th November, 2019, which was confirmed in appeal by the NCLAT, by a judgment and order dated 7th February, 2020, was carried in appeal before the Supreme Court in Civil Appeal No(s).827-828/2021, and by an order dated 12th April, 2021, the Supreme Court has directed that the parties shall maintain *status quo* as existed on

that date and, therefore, the provisions contained in Section 14 of the Insolvency and Bankruptcy Code, 2016 cannot be invoked. The learned Civil Judge, thus, rejected the application observing that the application was premature.

4. Pursuant to the order passed by the Supreme Court, it appears on 23rd January, 2025, the NCLT, Mumbai Bench, has adjourned the proceeding in CP(IB) - 909/I&B/MB/2019 *sine die*.

5. The learned Counsel for the petitioner submitted that, the Civil suit is now posted before the learned Civil Judge for final hearing. The learned Counsel for the petitioner submits that, the petitioner would be prejudiced in the event the Civil Court passes a decree while the Civil Appeal No(s).827-828/2021, awaits decision of the Supreme Court.

6. The order of admission of petition by NCLT was passed on 26th November, 2019. In the intervening period, the trial in the suit has proceeded to the stage of final hearing. In these circumstances of the case, though the Civil Court may proceed with the final hearing of the suit, since the Civil Appeal No(s).827-828/2021 awaits decision of the Supreme Court, the learned Civil Judge shall not finally decide the suit till the

decision of the Supreme Court in Civil Appeal No(s).827-828/2021.

7. The petition stands disposed.

[N. J. JAMADAR, J.]