

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**COMMERCIAL FIRST APPEAL NO. 4 OF 2024
WITH
INTERIM APPLICATION NO. 1783 OF 2025**

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Bank of Baroda (Erstwhile Dena Bank) } Appellant
Versus
Mahendra Babulal Parikh & Ors. } Respondents

Ms. Akshaya Puthran with Mr. Rhythm Rathod i/b.
S. K. Singhi & Partners LLP for appellant.

Mr. Rohaan Cama with Mr. Anish Karande i/b.
Mr. Jayant Gaikwad for respondents.

**CORAM: ALOK ARADHE, CJ. &
ARIF S. DOCTOR, J.**

DATE: FEBRUARY 18, 2025

PC:

COMFA/4/2024:

1. This appeal under section 13(1-A) of the Commercial Courts Act, 2015 has been filed against the judgement and decree dated 22nd August 2022, by which the appellant has been directed to release the shares as set out in Exhibit 17 in favour of the respondents/plaintiffs.

2. Heard on the point of admission.

3. Issue notice to the respondent, returnable on **18th March 2025**.

4. Mr. Cama, learned counsel appears for the respondents and waives service of notice.

IA/1783/2025:

5. Learned counsel for the applicant submits that the impugned judgement and decree suffers from ambiguity and therefore, is liable to be stayed.

6. On the other hand, learned counsel for the respondents submits that the judgement and decree is passed *ex-parte* and does not suffer from any ambiguity.

7. We have considered the rival submissions and perused the record. The aforesaid judgement and decree was passed *ex-parte* on 22nd August 2022. The operative portion of the judgement and decree reads as under: -

"1. Commercial Suit No. 1273 of 2021 is partly decreed with costs.

2. Defendant is directed to release balance shares as set out in Exh. 17 to plaintiffs within two months from today.

3. Court fees be refunded as per (E) Rules framed under section 11(2) of the Bombay City Civil Court Act, 1948, for the refund of Institution Fee.

4. Decree thus follow".

8. It is pertinent to note that the impugned judgement and decree was passed on 22nd August 2022, whereas the instant application was preferred on 21st January 2025. There does not appear to be any ambiguity in the judgement and decree. In our considered opinion, no case for grant of stay is made out.

9. Accordingly, the interim application is rejected.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)