

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 3094 OF 2024  
IN  
SUIT NO. 255 OF 2018**

Kotak Mahindra Bank Limited **... Applicant**

**IN THE MATTER BETWEEN :**

Nirvaan Birla **... Plaintiff**

**V/s.**

Shree trust and Others **... Defendants**

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Mr. Rafeeq Peermohideen (Through V.C.) a/w Ms. Kalyani Wagle and  
Ms. Somya T. i/b T. N. Tripathi & Co., Advocate for the Plaintiff.  
Dr. Birendra Saraf, Advocate General & Senior Counsel a/w Mr. Ranjeev  
Carvalho, Mr. Sachin Chandarana, Mr. Rishab Murali, Mr. Aagam Mehta  
i/b Manilal Kher Ambalal & Co., Advocate for the Applicant.  
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**CORAM : ABHAY AHUJA, J.  
DATE : 24<sup>th</sup> JANUARY 2025.**

**P.C. :**

1. Pursuant to order dated 8<sup>th</sup> January 2025, today when the matter is called out, Mr. Rafeeq Peermohideen, learned Counsel appearing through Video Conferencing for the original Plaintiff/Respondent submits on instructions that the present Interim Application filed by the Kotak Mahindra Bank Limited can be disposed

of on the basis of his statement that until the disposal of the proceedings filed by the Interim Applicant-Kotak Mahindra Bank Limited before the Debt Recovery Appellate Tribunal and until four weeks thereafter, the Plaintiff would not proceed with the Suit in this Court.

2. Dr. Birendra Saraf, learned Senior Counsel and Advocate General of the State appearing for the Interim Applicant-Kotak Mahindra Bank Limited submits that he has no objection to the disposal in view of the statement made by Mr. Rafeeq Peermohideen submitting however that the Interim Applicant be given liberty to file an Application before this Court depending upon the decision of the Debt Recovery Appellate Tribunal.

3. Mr. Rafeeq Peermohideen submits that he has no objection if the said liberty is granted to the Interim Applicant.

4. In view of the aforesaid statement made on behalf of the original Plaintiff/Respondent, which is accepted by this Court, the Interim Application stands disposed of with liberty as prayed for by Dr. Birendra Saraf on behalf of the Interim Applicant.

5. Accordingly, remove the Suit from the board. Liberty to apply.

**(ABHAY AHUJA, J.)**

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KRISHNA  
KOTAWADEKAR

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