

ITEM NO.4 Court 3 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7380-7381/2020

(Arising out of impugned final judgment and order dated 25-02-2020 in IA No. 1/2019 25-02-2020 in AN No. 583/2019 passed by the High Court Of Judicature At Bombay)

KOTAK MAHINDRA BANK LIMITED

Petitioner(s)

VERSUS

AKSHAY D THAKKAR & ANR.

Respondent(s)

(IA No.53052/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53051/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Amar Dave, Adv.
Mr. Himanshu Bhushan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

From the perusal of the order passed by the learned Single Judge, it could be seen that the order is well reasoned. It also appears from the order of the learned Single Judge that there was suppression of some material facts before the learned Single Judge. In such circumstances, the learned Division Bench ought to have considered the matter from this perspective.

It appears from the impugned interim order that the Division Bench has not considered the suppression of material facts before

the learned Single Judge. We request the Division Bench of the High Court to reconsider the issue of interim order. We also request the High Court to consider the impact of suppression and also consider the reasons given by the learned Single Judge.

We further request the High Court that if it considers appropriate to decide the matter finally instead of deciding the question of interim relief, the same may be done within a period of one month from today. We are inclined to pass such order taking into consideration the huge public money involved in the litigation.

Accordingly, the Special Leave Petitions are disposed of.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
AR-UM-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)