

ITEM NO.1708

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7308-7309/2021

M/S PRIYESH LAND DEVELOPERS

Petitioner(s)

VERSUS

THE PEN CO-OPERATIVE URBAN BANK LTD. & ORS.

Respondent(s)

(only IA No. 128194 of 2021 in SLP(C) No. 7308-7309 of 2021 will be listed before Hon'ble Judge in Chambers for deletion of respondent nos. 5 and 7 from array of parties.

IA No. 128194/2021 - DELETING THE NAME OF RESPONDENTS 5 AND 7

Date : 27-09-2023 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
 [IN CHAMBER]

For Petitioner(s)

M/S. Khaitan & Co., AOR

For Respondent(s)

Mr. Shivaji M. Jadhav, Adv.
 Mr. Brij Kishor Sah, Adv.
 Ms. Apurva, Adv.
 Mr. Adarsh Kumar Pandey, Adv.
 Mr. Vignesh Singh, Adv.
 M/S. S.M. Jadhav And Company, AOR

Mr. Sachin Patil, AOR

Mr. Viresh B. Saharya, AOR
 Mr. Akshat Agarwal, Adv.

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

IA No. 128194 of 2021-DELETING THE NAME OF RESPONDENTS 5 AND 7

The application has been filed by the Petitioner seeking deletion of Respondents No.5 and 7 from the array of parties.

2. Learned counsel for Respondents No.1 (Bank) and 7 have also been heard.

3. As there is no opposition to the deletion of Respondent No.5, the said Respondent stands deleted, at the risk of the Petitioner.

4. As far as Respondent No.7 is concerned, learned counsel for the Petitioner submits that he is the Ex-Chairman of the Bank which had auction sold the property of the Petitioner and the prayer in the present Special Leave Petition is restricted to the return of the interest on the excess amount received by the Bank from the property of the Petitioner sold for satisfying the outstanding dues of the Bank.

5. Learned counsel for Respondents No.1 (Bank) and 7 oppose the prayer saying that Respondent No.7 is a necessary party for he was the Ex-Chairman and in that capacity he has a right to be heard in the present proceedings also. It is further submitted by learned counsel for the Respondent No.7 that he has also filed a counter affidavit prior to filing of the present Interlocutory Application.

6. Having considered the matter, the Court finds that it is basically the Bank against which the relief is claimed which is already Respondent No.1. The Ex-Chairman has no *locus standi* to contest the present matter on behalf of the Bank when the Bank itself is a

party and the prayer is also against the Bank for giving interest on the excess amount which has been refunded to the Petitioner.

7. In that view of the matter, the prayer for deletion of Respondent No.7 from the array of parties is also allowed.

8. However, if it transpires during arguments that Respondent No.7 was also required to be made a party, the consequences shall be at the risk of the Petitioner.

9. The Interlocutory Application stands disposed of in the aforesaid terms.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)