

MCA DJ 16/26
KOTAK MAHINDRA BANK Vs. M/s JAYSHREE
INDUSTRIES

10.07.2026

Present: Sh. Shubham Kumar Dwivedi, ld. counsel for
appellant.
Sh. Neeraj Kumar Upadhyay, ld. counsel for
respondent no. 3.

Summons issued to respondent no. 1, 2 & 4 received back unserved. Affidavit regarding service of respondent no.1, 2 and 3 is filed on behalf of appellant.

Pursuant to query, it is submitted by ld. counsel for appellant that respondent no.1 was partnership firm which is no more into existence and dasti summons to the legal heirs of respondent no. 2 are served by way of affixation on the same address where respondent no. 3 & 4 reside.

Considering the submissions made on behalf of appellant, it cannot be considered that legal heirs of respondent no. 2 are properly served. Regarding respondent no. 4, it is submitted by ld. counsel for respondent no.3 that respondent no.4 is mother of respondent no.3 and respondent no.4 may be deemed served in the present case through respondent no. 3 and that he shall file vakalatnama on her behalf on the next date of hearing.

In view of above, fresh summons be issued to legal heirs of respondent no. 2 on filing of PF and RC as well as fresh address.

It is submitted by ld. counsel for appellant that suit is filed by the appellant seeking injunction against the respondents for removing their inventory, stock and goods from the mortgaged property. To this, it is submitted by ld. counsel for respondent no. 3 and 4 that respondents are ready to remove the

goods belonging to them from the mortgaged property. It is also submitted by ld. Counsel for respondent no. 3 and 4 that necessary efforts to trace out the current address of legal heirs of respondent no. 2 shall also be made. Considering the submissions of ld. Counsel for respondent no. 3 and 4, ld. Counsel for appellant submitted that next date be given for arguments and in case goods from the mortgaged property shall be removed by the respondents, the main suit as well as present application shall be withdrawn.

Considering the submissions, put up on **25.08.2026** for further proceedings.

Trial court record be sent back and be summoned for one day prior to the next date.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
10.07.2026