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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 421 OF 2009
WITH
CIVIL APPLICATION NO. 1618 OF 2009
WITH
CIVIL APPLICATION NO. 1315 OF 2009

M/s. Hadreshwar L Packaging ... Appellant/Applicant
Private Limited through its
M.D. Shri Jagdish D. Mehta

Vs.

Maharashtra State Financial ... Respondents
Corporation, Daman and Another

Dr. Uday P. Warunjkar a/w. Ms. Sonali R. Chavan and Ms. Gargi U.
Warunjkar for the Appellant/Applicant.
Mr. Anurang Jain for Respondent No. 2.

CORAM : GAURI GODSE, J.

DATE : 20th DECEMBER 2024

ORDER :

1. Heard learned counsel for the appellant and added respondent
no. 2. The second appeal raises the following substantial questions of
law :

- (i) Whether the respondent no. 1 would be entitled to recover the dues of M/s. Hareshwar Enterprises Pvt. Ltd. based on the notice dated 12th February 2002 from the appellant when admittedly appellant is not the borrower ?
- (ii) Whether based on the deed of mortgage dated 11th February 1997 produced at Exhibit-41 respondent no. 1 would be entitled to recover the dues of M/s. Hareshwar Enterprises Pvt. Ltd. from the appellant ?
- (iii) In view of the subsequent orders passed by the National Consumer Disputes Redressal Commission in favour of M/s. Hareshwar Enterprises Pvt. Ltd. and confirmed upto the Hon'ble Apex Court whether respondent no. 1's claim based on notice dated 12th February 2002 would stand settled ?
- (iv) In view of the subsequent events as relied upon by the appellant by way of additional evidence in Civil Application No. 1618 of 2009 whether appellant would be entitled to the prayer as claimed in the suit ?

2. Issue notice for final disposal at admission stage on the aforesaid questions of law.
3. Learned counsel for respondent no. 2 waives notice.
4. Notice is made returnable on 5th March 2025.
5. In addition to court notice, learned Advocate for the appellant to serve the respondent no.1 by private service and file service affidavit before the next date.
6. Learned counsel for the appellant shall keep private paper book ready before the next date.

Civil Application No. 1618 of 2009

7. To be heard alongwith the second appeal.
8. Respondent no. 1 is at liberty to file additional affidavit to place on record the subsequent events pursuant to the orders passed by the National Consumer Disputes Redressal Commission in favour of M/s. Hareshwar Enterprises Pvt. Ltd.

[GAURI GODSE, J.]