

23.07.2026

Item no.
DL13&14

Court No. 37

Asraf, A.R.(Ct.)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
COMMERCIAL DIVISION
APPELLATE SIDE**

**AO-COM 32 of 2026
with
CAN 1 of 2026
CAN 2 of 2026**

**NAKUL HIMATSINGKA
VS.
SHAHEEN ASAD & ORS.**

WITH

**AO-COM 33 of 2026
with
CAN 1 of 2026**

**YES BANK LTD. & ANR.
VS.
SHAHEEN ASAD & ORS.**

Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Zeeshan Haque, Adv.
Mr. Shounak Mukhopadhyaya, Adv.
Mr. Romendu Agarwal, Adv.
Ms. Rishika Goyal, Adv.

...For the Appellant
(in AO-COM 32 of 2026)

Mr. Utpal Bose, Sr. Adv.
Mr. Sidhartha Chatterjee, Adv.
Mr. Malay K. Seal, Adv.

...For Yes Bank
(in both appeals)

Mr. Surajit Nath Mitra, Sr. Adv.
Ms. Abhismita Goswami, Adv.

...For Respondent nos.1 & 2
(in both appeals)

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Soumabho Ghose, Adv.
Mr. Syed Moyeenul Arefin, Adv.

...For Respondent nos.3 to 6 & 8
(in both appeals)

Mr. Jishnu Chowdhury, Sr. Adv.

Mr. Rohit Bhattacharjee, Adv.

...For Respondent no.7
(in both appeals)

1. Two appeals are taken up for analogous hearing as they emanate out of the same impugned order dated July 8, 2026.
2. By the impugned order, learned Commercial Court at Alipore passed an *ex parte* ad interim order of injunction in T.S. (Com) 11 of 2026.
3. Learned Senior Advocate appearing for the plaintiffs submits that on instructions, the *ex parte* ad interim order passed in favour of the plaintiffs may be vacated. The parties may be remanded to the learned Trial Judge for adjudication of their respective rights without prejudice to the rights and contentions of the respective parties.
4. Learned Senior Advocate appearing for the appellant in AO-COM 32 of 2026 submits that, his client is a necessary and proper party to the suit. He contends apart from the maintainability of the suit on various grounds that, the plaintiffs are guilty of suppression of material facts. He submits that, his client should be added as a party-defendant in the suit.
5. Learned Senior Advocate appearing for the plaintiffs on instruction submits that, without

prejudice to the rights and contentions of the parties, the appellant in AO-COM 32 of 2026 may be added as a party-defendant to the suit.

- 6.** In view of such submission being made by the plaintiffs, appellant in AO-COM 32 of 2026 is added as party-defendant to Title Suit (Com) No.11 of 2026. Plaintiffs will take appropriate steps before the learned Trial Judge with regard to the completion of formality of addition of such defendant in the suit as expeditiously as possible.
- 7.** Learned Senior Advocate appearing for the appellants in AO-COM 33 of 2026 raises issues with regard to the maintainability of the suit and the necessity of the interim order being passed therein.
- 8.** Since, the plaintiffs who secured the ex parte interim order impugned herein invite us to vacate the same, we are minded to do so. Impugned order stands set aside.
- 9.** We clarify that we did not enter into the merits of the rival contentions of the respective parties including the points of the law and facts raised by them. All points raised by the parties are kept open to be decided by the learned Single Judge, if raised.

10. Wholly without prejudice to the rights and contentions of the parties including the issue of maintainability of the suit, let affidavit-in-opposition to the injunction petition be filed within three weeks from date. Reply, if any, within a week thereafter.
11. The injunction petition may be listed before the learned Single Judge after four weeks from date subject to the diary of the learned Commercial Court.
12. Accordingly, the present appeals being AO-COM 32 of 2026 and AO-COM 33 of 2026 stand disposed of.
13. Applications connected thereto also stand disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)