

Karan Sikka

Vs.

NeoGrowth Credit Pvt. Ltd. & Ors.

28.05.2020

The matter has been heard through video conferencing.

Present: Sh. Ashish Upadhyay, Ld. Counsel for plaintiff.

The case of the plaintiff is that he was Non Executive Additional Director in M/s. Beanie Bugs Retail Pvt. Ltd. It is the averments in the plaint that M/s. Beanie Bugs Retail Pvt. Ltd. have taken alleged business loan from defendant no. 1 i.e. NeoGrowth Credit Pvt. Ltd. It is further averred that the plaintiff has already resigned from the said company i.e. M/s. Beanie Bugs Retail Pvt. Ltd. and he has not personally undertaken any repayment of loan of the said company. The Ld. Counsel for the Plaintiff has argued that the Plaintiff has not stood as Guarantor of the loan and the recovery agent and employee of defendant no. 1 are either visiting the house of the plaintiff or calling on his mobile number i.e. 9871297700 for illegal demands.

I find there is prima facie case in favour of the plaintiff and there is a requirement to protect the Plaintiff at this stage. Accordingly, defendants, their agents and employees etc. are restrained from visiting the house of the plaintiff or calling him in any manner on the aforesaid Mobile Number i.e. 9871297700 for the purpose of alleged loan which was alleged to be given to M/s. Beanie Bugs Retail Pvt. Ltd till the next date of hearing. However, it is made clear that in case, the plaintiff has taken any loan from defendant no. 1 in his personal capacity or stood guarantor for the said company then defendants can pursue their legal remedy in accordance with law but they cannot adopt illegal means.

The compliance of order 39 Rule 3 CPC will be done within a period of 07 days from today and the affidavit of the same alongwith proof be filed within



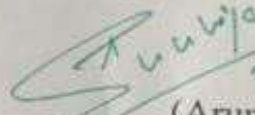
a period of 10 days.

Copy of this order be given dasti to Ld. Counsel for the plaintiff.

Issue notice of the application under Order 39 Rule 1 & 2 CPC and summons for settlement of issues to the defendants on filing of PF/ speed post / approved courier for 11.08.2020. Steps be taken within 15 days from today.

Be put up before the Ld. District & Sessions Judge (Hqs) for appropriate orders.

The signed copy of the order be tagged on or before the NDOH.


(Arun Sukhija)
ADJ-07/Duty Judge, (Central)
Tis Hazari Courts, Delhi
28.05.2020