

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO.11214 OF 2015
WITH
CIVIL APPLICATION (ST) NO.11216 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.K.D.Jha for the appellant

Mr.M.M.Bagadia for the respondent

**CORAM : K.K.TATED, J.
DATED : 01/07/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This appeal is preferred by defendant nos.2 to 7 challenging the order dated 24.3.2015 passed by Bombay City Civil Court, Mumbai in Notice of Motion No.3744 of 2014 and 4115 of 2014 directing defendant nos.2 to 7 to deposit the amount of Rs.5,37,000/- in the court within one month then only they will be entitled to cross-examine the plaintiff.
- 3 The learned counsel for defendant nos.2 to 7 filed undertaking dated 30.6.2015 duly signed by Imran Kasam Gujrati on behalf of defendants stating that they are ready to deposit the said

amount of Rs.5,37,000/- in four installments. The same is stated in paragraph 2 of the said undertaking. The said undertaking is taken on record and marked 'X' for identification. The undertaking given by defendant nos.2 to 7 is accepted.

4 The learned counsel for defendant nos.2 to 7 further submit that these defendants will clear the remaining due amount for the period from April 2015 to July 2015 within two months from today. Said undertaking is accepted. In view of the undertaking given by these defendants, by consent of both the parties, following order is passed:

- a) Defendant nos.2 to 7 to deposit sum of Rs.5,37,000/- in trial court as per clause 2 of the undertaking.
- b) Defendant nos.2 to 7 to deposit the amount for the period from April 2015 till July 2015 in the court within two months from today.
- c) Defendant nos.2 to 7 to pay the subsequent amount from August, 2015 on their due dates.
- d) On payment of entire amount as stated hereinabove, in clause (a) and (b) as per undertaking dated 30.6.2015, Trial Court is directed to proceed with S.C.Suit No.7506 of 2003 on its own merits.

- e) Hearing of S.C.Suit No.7506 of 2003 is expedited.
- f) Appeal from Order as well as Civil Application stand disposed of accordingly.
- g) Liberty granted to the plaintiff to make appropriate application before the Trial Court for withdrawal of the amount and that application be decided by the Trial Court on its own merits.
- h) Appeal from Order and Civil Application stand disposed of accordingly.

(K.K.TATED, J.)