

JPP

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

CIVIL APPLICATION NO. 100 OF 2016

in

WRIT PETITION NO. 23 OF 2006

Deepak Kundanlal Awatramani & Ors.

... Applicants.
(Orig. Plaintiffs)

V/s.

M/s. Gannon Dunkerley & Co. Ltd.

... Respondents.
(Orig. Defendant)

Mr. P.S. Dani, Senior Advocate a/w. Ms. Jui Nerurkar for the Applicants in CAW 100/16 and Orig. Respondent Nos. 1 to 7.

Mr. N.V. Walawalkar, Senior Advocate a/w. Drupad Patil i/b. M/s. Mahesh Jani & Co. for the Orig. Petitioner.

***CORAM : N.M. Jamdar, J.
22 December, 2016.***

P.C. :-

Perusal of the Civil Application would show that the Application has been adjourned from time to time and various orders have been passed. An amount of Rs. 6,90,00,000/- has been deposited by the Respondents in the Registry of this Court on 15 December 2016. The learned Counsel for the Respondents submitted that the amount of Rs.3,79,51,229/- is not payable by the Respondents to which an objection was taken by the learned Counsel for the Applicant that no such stand was taken earlier. The

learned Counsel for the Respondents states that demand draft in the name of Registrar, High Court, Appellate Side, Bombay bearing No. “672328” 0000002000 : 000437” is ready and the amount will be deposited tomorrow. This statement on instructions is accepted. The learned Counsel for the Respondents states that as far as the deposit of Rs.3,79,51,229/- be considered as without prejudice to the rights and contentions of the Respondents and liberty may be given to the Respondents to take out a Civil Application.

2. Since as on date the Respondents have deposited the amount as claimed by the Applicant, I do not wish to comment on the correctness or otherwise of the assertion of the Respondent. It is open to the Respondent to take out such application which would be considered on its own merits. The Civil Application stands disposed of in view of the deposit. It is clarified that the deposit of the amount of Rs.3,79,51,229/- will be in terms of what is observed above. Before the application is disposed of, the Court must place on record the strong disapproval as regard the conduct of the Respondents in the manner in which the deposit of the amount is dragged on for almost more than six months.

(N.M. Jamdar, J.)

This order is corrected and uploaded as per order dated 27 March 2017.