

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL application NO.1939 OF 2015
IN
WRIT PETITION NO.5966 OF 2004**

Smt. Kamlini Dharamraj Ashar	Applicant
IN THE MATTER BETWEEN	
M/s.Bhadani Associates	Petitioner
Vs	
Smt. Kamlini Dharamraj Ashar	.. Respondents
and Ors.	

Mr.Chirag Shah i/b Jitendra J. Shah, Advocate for Applicant.
Mr. Yatin R.Shah, for respondent/Original Petitioner.

CORAM : R.G.KETKAR,J.
DATE : 11/03/2016

PC:

1. Heard Mr.Chirag Shah, learned counsel for the applicant and Mr. Yatin Shah, learned counsel for the respondent/Original petitioner.
2. This matter is moved by way of praecipe dated March, 2016 for Speaking to Minutes of the order dated 2.3.2016. Mr. Chirag Shah has no objection for correcting appearance of counsel for the petitioner from Mr. Firdoz Rahmatulla to Mr. Firosh Pooniwala. In view thereof, wherever appearance of Mr. Firdoz Rahmutulla is mentioned, the same shall stand substituted by Mr. Firosh Pooniwala.
3. As far as paragraph no.2 of the order is concerned, Mr Chirag Shah submitted that the Petition preferred by the respondents herein, was dismissed by the Apex Court on

2.2.2015. He submitted that applicant had furnished Bank Guarantee in the sum of Rs.1,15,00,000/- as per the order of the Apex Court dated 7.2.2006. The said Bank Guarantee was to remain in force during pendency of the petition. As the petition was dismissed on 2.2.2015, the applicant addressed a letter dated 21.2.2015 to the Prothonotary and Senior Master of this Court for invoking Bank Guarantee and calling upon the Bank to remit the amount for depositing the same in this Court. The Bank has remitted the amount. Accordingly, the present application is taken out. In view thereof, paragraph 2 of the order dated 2.3.2016 stands substituted as under:

4. It appears that after the dismissal of the petition by the Apex Court on 2.2.2015, the applicant herein moved the Prothonotary and Senior Master on 21.2.2015 for invocation of the Bank Guarantee. In pursuance thereof, the Prothonotary and Senior Master, High Court Bombay addressed a letter dated 6.4.2015 to the Manager, Oriental Bank of Commerce calling upon the Bank to invoke the Bank Guarantee and remit guaranteed amount of Rs. 1,50,00,000/- in favour of the Prothonotary and Senior Master, High Court, Bombay. Accordingly, amount of Rs. 1,15,00,000/- is remitted by the said Bank in this Court.

5. Order dated 2.3.2016 shall stand corrected accordingly. Rest of the order remains as it is.

6. In view thereof, Civil Application is disposed of reserving liberty to the original petitioner to adopt appropriate proceedings for claiming interest on the amount so deposited. Contentions of the parties in that regard are kept open.

7. Civil Application is disposed of. Order accordingly.

(R.G.KETKAR, J.)