

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (STAMP) NO. 8554 OF 2016
IN
WRIT PETITION NO. 12698 OF 2015

M.E. Infra Projects Pvt. Ltd. ... Petitioner
Vs.
Shree Sitaram Mills through
its General Manager & Anr. ... Respondents

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Mr. Karl Tamboly a/w. Sanket Mungale for the applicant/petitioner.
Ms. Mamta Sath a/w. Swapnila Rane & Vanita Kakar i/b. Kahchwala &
Partners for the respondents.

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CORAM : M.S. SONAK, J.
DATE : 22.03.2016.

P.C.:

1. Heard the learned counsel for the parties. The learned counsel for the parties states that review is applied of order dated 22/12/2015, by which the review petitioner has been granted interim relief subject, however to deposit in this court an amount of Rs. 1,20,00,000/- being the approximate difference amount of damages levied by the impugned order and the amount already deposited by the petitioner during the pendency of the proceedings before the appellate authority.

2. Learned counsel for the review petitioner has placed reliance upon the interim order made by the Hon'ble Apex Court on 06/01/2015 in Special Leave to Appeal No. 36499 of 2014 he submits that in similar circumstances the petition before the Honble Apex Court

were permitted to secure the amount by bank guarantee.

3. The review petitioner has not demonstrated similarity of facts and circumstances in the matter at hand and the matter in which the interim order came to be made by the Hon'ble Supreme Court of India. In this case, the direction for deposit of the amount as a pre-condition for stay of execution, is a routine order made in case where a party seeks stay execution of the decree. In this case the petitioners, had not made out any case for departure. Therefore, there is no case made out in exercise of review jurisdiction. The review petition is therefore dismissed. However, at the request of the learned counsel for the review petitioner, time for depositing an amount of Rs. 1,20,00,000/- is extended up to a period of four weeks from today.

(M.S. SONAK, J.)