

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

WRIT PETITION NO. 8763 OF 2015

M/s. Aglowmed Limited

.... Petitioner

Versus

M/s. Sharon Bio-Medicine Ltd.
through its Senior Manager.

.... Respondent

Mr. Hemant Ghadigaonkar for Petitioner.
Mr. Nilesh Das for Respondent.

***CORAM : N. M. Jamdar J.
Thursday 13 October 2016***

P.C.

. Not on Board. Taken on production board by way of praecipe.

2. The impugned order is passed on 13 July 2015. The petition has remained pending and on the last occasion adjournment was sought and the petition is adjourned to 17 January 2017.

3. By the impugned order, the learned City Civil Court Judge has directed the petitioner to deposit an amount specified

therein and has permitted the petitioner to file written statement thereafter with liberty to the respondent/plaintiff to withdraw the amount furnished in bank. The order is not complied since more than a year.

4. The learned Counsel for petitioner states that the respondent should not be permitted to withdraw the amount and it should remain invested. The learned City Civil Court Judge has permitted to withdraw the amount on furnishing bank guarantee which is adequate enough security. The bank guarantee shall be of a Nationalized Bank and the respondent shall keep the bank guarantee alive till further orders to be passed by the City Civil Court Judge. The respondent shall also furnish an undertaking that the amount will be returned with the accrued interest.

5. Since this withdrawal on these terms is adequate to protect the interest of the petitioner, no further orders are required to be passed in this writ petition. Time to deposit the amount is extended for four weeks from today.

6. The Writ Petition is disposed of.

(N. M. Jamdar, J.)