

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.244 OF 2014
IN
SUIT NO.754 OF 2013**

Synergyone Infrastructure & Projects Pvt. Ltd.)....Plaintiffs

V/s.

The New Sion Co-operative Housing Society Ltd.)....Defendants

Mr.Bharat Vaishnawa for plaintiffs/applicants.

None for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 6.10.2016

P.C.:-

1 This suit is for specific performance of a redevelopment agreement which has been entered into between the plaintiffs and the defendants. As per the terms and conditions of the agreement, the plaintiffs paid Rs.5 crores to the defendants. The plaintiffs took out a Notice of Motion for interim reliefs, the relief was not granted. This court by an order dated 12.8.2013 observed that the plaintiffs have not made out any prima facie case for specific performance and disposed of the Notice of Motion. While disposing of the Notice of Motion, the Court directed defendants to deposit amount of Rs.5 crores with the Prothonotary & Senior Master, High Court, Bombay. The defendants carried the matter in appeal. Appeal was dismissed.

Thereafter defendants had deposited amount of Rs.5 crores with the Prothonotary & Senior Master. Defendants have also filed written statement. The plaintiffs have also prayed, in the alternative to specific performance, damages of Rs.31,69,00,000/-. The suit is still pending.

2 The present Notice of Motion is taken out by the plaintiffs praying for a direction to the defendants to deposit sum of Rs.63,80,000/- in this Court as and by way of interest accrued to them on the sum of Rs.5 crores during the period from the date of payment by the plaintiffs to the defendants, till the defendants deposited the same in this Court on 4.10.2013.

3 In my view, the plaintiffs could have asked for this relief while this Court disposed of the Notice of Motion taken out by the plaintiffs by an order dated 12.8.2013. Moreover, no case is made out that the defendants are not good for its money. Further general information of the tender notice issued by the defendants expressly provide "interest free earnest money deposit of Rs.5 crores to be made". Therefore, prima facie the plaintiffs do not appear to be entitled to any interest. I must repeat that it is only a prima facie observation.

4 In the circumstances, I am not inclined to grant the reliefs
sought by the plaintiffs. Notice of Motion dismissed.

(K.R.SHRIRAM,J)