

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.699 OF 2016
IN
APPEAL NO. 662 OF 2014
IN
NOTICE OF MOTION NO.738 OF 2014
IN
SUIT NO.454 OF 2010

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Vineet Naik, Senior Counsel along with Shri Vishal Kanade and Ms. Anooja Menon i/b
Keystone Partners for the Applicant.
Shri Karan Bhosale i/b India Law Alliance for the Respondent No.1(A).
Shri Sujay Kantawalla along with Shri Amit Karkhanis i/b Kay Legal & Associates for the
Respondent No.2.

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CORAM : A.S. OKA & P.D. NAIK, JJ
DATED : 21ST APRIL 2016

P.C.:

. It is not in dispute between the parties that the order of the learned Single Judge dated 8th May 2014 is operating as the interim order pending Appeal. In terms of the order dated 6th April 2016, the learned senior counsel appearing for the Applicant tenders a Demand Draft in the sum of Rs.8,15,600/- drawn on Prothonotary and Senior Master of this Court. The said Demand Draft is taken on record. The Associate of this Court shall

hand over the said Demand Draft to the Prothonotary and Senior Master.

2. There is no prayer made in the Notice of Motion for modification of the interim order which is operative till today. If according to the Applicant, there is a breach committed of the interim order which is operating in the Appeal, remedy of the Applicant is open. No case is made out as of today for passing a drastic order of appointment of a Court Receiver in terms of prayer Clause (a). As far as the prayer Clause (b) is concerned, if the same is granted, it will be contrary to the interim order passed in the Appeal. Hence, we decline to grant any relief in the present Notice of Motion. However, we grant liberty to the Applicant to file appropriate proceedings on the basis of the alleged breach committed by the Respondent. The Notice of Motion is disposed of.

(P.D. NAIK, J)

(A.S.OKA, J)