

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

**NOTICE OF MOTION NO.1406 OF 2016
IN
SUMMARY SUIT NO.159 OF 2016**

Rohini Prabhakar KeniApplicant

IN THE MATTER BETWEEN :

Nipun I.ThakkarPlaintiff

V/s.

Hitendra Prabhakar Keni & Anr.Defendants
And

M/s.Tamhane & Co.Respondent

Mr.Simil Purohit i/by RMG Law Associates for plaintiff.

Ms.Poonam Sharma i/by S.K.Jain & Associates for defendant no.2.

Mr.Mayur Khandeparkar i/by A.M.Khandekar for defendant no.3.

Mr.Rajesh Kachare a/w Mr.Ashish Ghadge for respondent in Notice of Motion.

**CORAM : K.R.SHRIRAM,J
DATE : 7.6.2016**

P.C.:-

1 The counsel appearing for defendant no.2 (defendant no.1 having expired) requests the matter be stood over by two weeks since the Advocate on record is travelling. Mr.Khandeparkar for defendant no.3 who is the applicant in the Notice of Motion states that they are pressing only for prayer clause-(b) at this stage and craves leave to press for other reliefs at appropriate stage. It is averred in the affidavit in support that the amount of Rs.20,00,000/- has been lying

with the respondent M/s.Tamhane & Co.- the Advocate for quite sometime. Tamhane & Co. is an escrow agent and this amount is lying uninvested. He submitted that Tamhane & Co. be directed to deposit the amount of Rs.20,00,000/- with the Prothonotary & Senior Master so that the Prothonotary & Senior Master can invest the amount and the amount will earn some interest. In my view, it is a fair suggestion being made by the applicant and if I direct the respondent to deposit the amount of Rs.20,00,000/- with the Prothonotary & Senior Master, no prejudice would be caused to any of the parties.

2 In the circumstances, Tamhane & Co. who is the respondent in the Notice of Motion is directed to deposit the amount of Rs.20,00,000/- with the Prothonotary & Senior Master which amount will remain invested until the disposal of the suit. Tamhane & Co. is directed to deposit the amount of Rs.20,00,000/- with the Prothonotary & Senior Master on or before 10.6.2016. Prothonotary and Senior Master to invest the same in a fixed deposit initially for a period of one year in a nationalized bank. Notice of Motion accordingly stands disposed.

Summons for Judgment be listed for hearing on 21.6.2016.

(K.R.SHRIRAM,J)