

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

**NOTICE OF MOTION NO.1545 OF 2016
IN
SUIT NO.419 OF 2014**

M/s. Bharat Vaishnawa and Co.	...	Applicant
and		
Gundecha Builders Pvt. Ltd.	...	Plaintiff
versus		
Lohagadh Real Estate and Construction		
Pvt. Ltd. and Ors.	...	Defendants

Mr. Bodke i/by M/s. Chitnis Vaithy and Co., for Plaintiff.
Mr. Sandeep Jalan, for Defendant Nos.2 and 3.
Mr. Bharat Vaishnawa, Defendant No.5/Applicant.
Mr. Sachin Mahagaonkar with Mr. Manan i/by M/s. Divya Shah Associates, for Defendant No.6.

CORAM: S.J. KATHAWALLA, J.

DATE: 21st SEPTEMBER, 2016

P.C.:

1. The above Notice of Motion is taken out by Defendant No.5 seeking permission of this Court to deposit a sum of Rs.11 Lakhs in this Court within a period one week from the date of the passing of the order. Perused the Notice of Motion and the Affidavit in support thereto. The learned Advocates for the Plaintiff, Defendant Nos.2, 3 and 6 state that they have no objection if the Notice of Motion is allowed keeping all their contentions open. The learned Advocate for Defendant No.2 has informed the Court that the Advocate for Defendant No.1 is unable to

remain present before this Court. However, he has informed him that to inform the Court that Defendant No.1 has no objection if the Notice of Motion is allowed subject to his rights and contentions being kept open. In view thereof, the Notice of Motion is allowed. All rights and contentions of the parties are kept open. Defendant No.5 is permitted to deposit the amount of Rs.11 Lakhs with the Prothonotary and Senior Master of this Court within a period of two weeks from today. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)