

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

APPEAL FROM ORDER NO.97 OF 2017

Wadhwa Group Holdings Private Ltd	..Appellant
V/s.	
Mr.Ismail Khan S/o. Kadar Khan & Anr.	..Respondents

Mr.Pravin Samdani, Senior Counsel a/w Mr.Chirag Babara i/by
Jayesh R. Vyas.

Mr.A.M. Saraogi for Respondent No.1.

Mr.Ismail Khan for Respondent No.1 present in person.

CORAM : M. S. SONAK, J.

DATE : 22 MARCH 2017

P.C.

1. Heard Mr.Pravin Samdani, learned Senior Advocate for the appellant and Mr.A.M. Saraogi, learned counsel for respondent No.1.

2. Mr.Samdani Learned Senior Advocate submits that the presence of respondent no.2 is not necessary for the purposes of the disposal of the present appeal.

3. Mr.Saraogi, learned counsel for the respondent on instructions from Mr.Ismail Khan, who is present in the Court., makes a statement that the respondent No.1 will deposit before the Trial Court, an amount of Rs.1 crore within a period of 12 weeks

from today. Mr.Ismail Khan assures this Court that no extension will be applied for in respect to the deposit this amount. Mr.Saraogi adds that the deposit of this amount, shall be without prejudice to the rights and contentions of both the parties.

4. The statement of Mr.Ismail Khan that he shall deposit an amount of Rs.1 crore in the Trial Court within a period of 12 weeks from today is accepted. On the basis of this statement, the ad-interim order made by the learned Trial Judge is not interfered with. Rather, the ad-interim order is modified to the effect that such ad-interim, shall stand vacated without any further reference to the Court, in case, there is any default in depositing the amount of Rs.1 crore within a period of 12 weeks from today.

5. The learned Trial Judge is then directed to dispose of the Notice of Motion on its own merits and in accordance with law.

6. It is clarified that this Court has not expressed any opinion on the merits of the matter and therefore, all contentions of all parties are left open to be determined by the learned Trial Judge. Upon the deposit of the amount, the learned Trial Judge to make orders for investment of the amount deposited, with the Nationalized Bank on the usual terms.

(M. S. SONAK, J.)