

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 161 OF 2015

UNION OF INDIA
VERSUS
SIPTA COATED STEELS LTD AND OTHERS

Advocate for Applicant : Mr. M.N. Navandar.
Advocate for Respondent Nos. 1 & 2 : Mr. S.B. Narwade
and Mr. A.N. Mishra.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th June, 2018

PER COURT :

1. Heard the learned advocate for the respective sides.

2. This Court (Coram : N.W. Sambre, J.) had heard this matter and had passed an order on 03rd August, 2017. In paragraph No. 4 of the said order, it has been observed as under :

"4. Since the respondents have shown their bonafides by tendering demand draft of Rs. 65,00,000/-, in my opinion, hearing of the present revision is deferred for period of four weeks. The respondents shall furnish undertaking to this Court that in case, the suit is decreed against them in view of order of remand passed by the Court o 4th Joint Civil Judge, Senior Division, Aurangabad, they shall pay entire decretal amount after adjusting

amount of Rs. 65,00,000/- within 12 weeks from the date of said decree. Upon filing of such undertaking within period of three weeks from today, post this matter for further consideration on 31st August, 2017."

3. It, therefore, appears from paragraph No. 4 and it also contended by the learned advocate for the Respondent No. 1 that pursuant to the impugned order of remand passed by the Court of the 4th Joint Civil Judge (Senior Division), Aurangabad, the Respondent No. 1 undertook to pay the entire decretal amount within 12 weeks pursuant to the result in the suit and the amount of Rs. 65,00,000/- deposited in this Court would be adjusted against the decretal amount which the Respondent No. 1 will pay to the Petitioner in the event the suit is decreed against it.

4. Learned advocate for Respondent No. 1 submits that it had transpired before this Court when the order dated 03/08/2017, was passed that after the amount is deposited in this Court and pursuant to the undertaking that would be filed by Respondent No. 1, this Petition could be disposed of and the parties would be relegated to the Trial Court in Special Civil Suit No. 231/2000.

5. Considering the above and keeping in view that the amount of Rs. 65,00,000/- has been deposited in this Court and an undertaking dated 22nd August, 2017, has also been filed by Respondent No. 1, this Petition is disposed of.

6. The amount of Rs. 65,00,000/- deposited in this Court will therefore, be transferred by the Registry to the Trial Court at Aurangabad, forthwith along with accrued interest and the said amount would be invested in the Nationalised Bank by way of fix deposit receipt. The said amount would lie with the Trial Court till the suit is decided.

7. The Trial Court would endeavor to decide Special Civil Suit No. 231/2000, as expeditiously as possible and preferably on/or before the 30th day of March, 2019.

(RAVINDRA V. GHUGE, J.)

S.P.C.