

JPP

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

CIVIL APPLICATION NO. 74 OF 2018

in

SECOND APPEAL (ST.) NO. 9771 OF 2017

Pranav Construction System Pvt. Ltd. ... Appellant/Applicant.

V/s.

M/s. S.S. Engineering and Consultants. ... Respondent.

Mr. Kersi Dastoor a/w. Neha Naik i/b. Phoenix Legal for the
Appellant/Applicant.

Mr. Pankaj Kansara for the Respondent.

CORAM : N.M. Jamdar, J.

DATE : 17 January, 2018.

P.C. :-

Not on board. Taken on production board by way of
praecipe.

2. The learned Counsel for the Appellant states that he was not aware that Clause (f) is being incorporated in order dated 18 December 2017. The order was passed on 18 December 2017. Learned Advocate appeared for the Appellant. If that was so, the learned Counsel having gone through the order could have approached the Court immediately, which is not done.

3. The learned Counsel for the Applicant then states that if the Respondents are permitted to withdraw the entire amount, then grave prejudice will be caused. This statement is advanced without reading clause (f), which only gives liberty to the Respondents to make an application for withdrawal of the amount and states that the application has to be decided on its own merits. No order is thus required. Civil Application stands disposed of.

(N.M. Jamdar, J.)