

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

**APPEAL (LODGING) NO.177 OF 2018
IN
NOTICE OF MOTION NO.139 OF 2018
IN
ADMIRALTY SUIT NO.44 OF 2015
WITH
NOTICE OF MOTION (LODGING) NO.345 OF 2018
IN
APPEAL (LODGING) NO.177 OF 2018**

M.V. Kamal XXVI

...Appellant

Versus

The Board of Trustees of the Port of
Mumbai and Ors.

...Respondents

.....

Mr. Atul Damle, Senior Advocate with Mr. Shailesh Kumar and Mr. B.S. Nayak for the Appellant.

Mr. Ajai Fernandes with Ms Sneha B. Pandey i/b. M/s. Matinwalla and Co. for the Respondent No.1.

**CORAM : NARESH H. PATIL AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 10th APRIL, 2018.

P.C.:-

Heard. Perused record.

2. During the course of hearing the learned counsel for the Appellant on instructions submits that by tomorrow they will deposit a pay order with the Prothonotary and Senior Master for a sum of Rs.21,23,946/- (Rs.16,23,946/- + Rs.5,00,000/-).

3. In case, the Appellant fails to comply with the above statement, the impugned order of the learned Single Judge would be operational automatically. In case the above statement is complied with, the impugned order passed by the learned Single Judge would stand set aside. The Prothonotary and Senior Master would invest the said amount in a fixed deposit scheme, in case the amount gets deposited.

4. In view of the statement made as above, the Appeal stands disposed of.

5. In view of the above order, notice of motion (L) No.345 of 2018 stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(NARESH H. PATIL, J.)