

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

NOTICE OF MOTION NO.1167 OF 2018
IN
REVIEW PETITION (L) NO.7 OF 2018
IN
SUMMONS FOR JUDGMENT NO.9 OF 2018
IN
COMMERCIAL SUMMARY SUIT NO.855 OF 2017

Pravinchand Sehgal And Another ... Applicants

In the matter between :

Pravinchand Sehgal And Another Versus	...	Petitioners
Parasram H. Bhojwani And	...	Respondent No.1
Gurav Sehgal	...	Respondent No.2.

Mr. Vivek Kantawala a/w Mr. Amey Patil, Mr. Jash Vyas I/b M/s Vivek Kantawala And Co. for the Review Petitioners.
Mr. Aniketh Poojari I/b C.R. Naidu & Co. for Respondent No.1.

CORAM : S.C.GUPTE, J.

DATE : 1 AUGUST 2018

P.C. :

Heard learned Counsel for the review Petitioners and Respondent No.1. The review petition raises a point of law. The original order passed on the summons for judgment was on the basis of the judgment of a learned Single Judge of this Court in the case of **Antwerpse Diamant Bank n.v. Vs. M/s Kamal & Company**¹. The controversy concerns the

1 Sum.for Jt.No.1203/99 in SS No.3297/99 dated 3 March 2006

nature of a bill of exchange payable on a particular date. The learned Single Judge of our court in **Antwerpse Diamant Bank's** case had held that a bill of exchange, which was payable on a particular day, was a bill of exchange payable on demand. This judgment was made the basis in my order on the summons for judgment, which is under review. The suit bills of exchange are payable on a particular day. In my order, I held these bills of exchange, in accordance with law stated in **Antwerpse Diamant Bank's** case, to be bills of exchange payable on demand under Section 2(3) (b) of the Indian Stamp Act and thus not liable to stamp duty. As the review Petitioners submit before this court, this judgment of the learned Single Judge has been set aside by a Division Bench of this court in appeal. Hence, the matter would require consideration.

2 Review Petition is, accordingly, admitted by condoning the delay and placed for hearing on 21 August 2018 at 03.00 p.m.

3 Since Respondent No.1 has already moved the execution court, it is ordered that execution of the judgment and decree passed on 3 May 2018 shall be stayed until further orders.

4 Notice of Motion is disposed of.

(S.C. GUPTE, J.)