

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

COMPANY APPLICATION NO. 294 OF 2018

IN

COMPANY PETITION NO. 1089 OF 2009

Rukmani Jaichandrai Jain

.. Applicant/Petitioner

Vs.

Siddhesh Steel Treatment Pvt. Ltd.

.. Respondent

WITH

COMPANY APPLICATION NO. 293 OF 2018

IN

COMPANY PETITION NO. 1088 OF 2009

Sunita Pravin Jain

.. Applicant/Petitioner

Vs.

Siddhesh Steel Treatment Pvt. Ltd.

.. Respondent

Ms.Sandhya A. Mailagir for applicant (in both applications).

Mr.Hasmit Trivedi a/w. Mr.Ujjwal Ashok I/b Vikrant Shetty for respondent (in both applications).

CORAM : K.R.SHRIRAM, J.

DATE : 24TH JULY 2018

P.C.

1 Ms.Mailagir appearing for applicant in both application states that her instructions are that applicant, in each application, will furnish a bank guarantee as per the format prescribed by the Prothonotary and Senior Master, High Court, Bombay for the amounts, which amount is allowed to be withdrawn. Shri Trivedi appearing for respondent, without prejudice to respondent's rights and contentions, is agreeable for the same.

2 Therefore, by consent, the following order is passed, of course,

without prejudice to the respondent's rights and contentions in First Appeals being First Appeal No. 377 of 2015 and First Appeal (Stamp) No. 9071 of 2015 :-

ORDER

(a) Applicant in Company Application No.293 of 2018 in Company Petition No.1088 of 2009 (appellant in First Appeal No.377 of 2015) is allowed to withdraw a sum of Rs.5,00,000/-.

(b) Applicant in Company Application No.294 of 2018 in Company Petition No.1089 of 2009 (appellant in First Appeal (Stamp) No.9071 of 2015) is allowed to withdraw a sum of Rs.7,50,000/-.

(c) The Prothonotary and Senior Master, High Court, Bombay to foreclose the fixed deposit placed in Company Petition No.1089 of 2009, pay Rs.7,50,000/- and in Company Petition No.1088 of 2009, pay Rs.5,00,000/- as mentioned in clauses (a) and (b) above and retain the balance amount in fixed deposit with a nationalized bank.

(d) Applicants to give a bank guarantee in favour of the Prothonotary and Senior Master, High Court, Bombay as per prescribed format by the Prothonotary and Senior Master for Rs.7,50,000/- in Company Petition No.1089 of 2009 and for Rs.5,00,000/- in Company Petition No.1088 of 2009, respectively.

(e) These bank guarantees to be kept alive until the hearing and final disposal of the First Appeals, viz., First Appeal No. 377 of 2015 and First Appeal (Stamp) No. 9071 of 2015 and for six months thereafter.

3 Both applications accordingly disposed.

(K.R. SHRIRAM, J.)

**Shraddha
Kamlesh
Talekar**

Digitally signed by
Shraddha Kamlesh
Talekar

Date: 2018.07.26
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