

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

**APPEAL FROM ORDER (ST.) NO.14862 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.14864 OF 2019
IN
APPEAL FROM ORDER (ST.) NO.14862 OF 2019**

Preeti Malik ... Appellant
Versus
Kaushal Kumar Modi and Anr. ... Respondents

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Mr. Satyadev Joshi I/b. Devendra Singh for Appellant.
Mr. Girish B. Kedia, Shivangi Kedia, Trupthi Shetty and Harsh
Bihani for respondent No.1.

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CORAM : M. S. KARNIK, J.

DATE : 1st JULY, 2019.

P. C.:

1. The appellant has filed the undertaking in this Court that she would handover the Car i.e. Hyundai Verna MH01BY4929 to the Court Receiver on 04.07.2019.

2. The Undertaking is accepted. The same is taken on record and marked as 'X' for identification.

3. Learned counsel for the respondent No.1 states that he would without prejudice to the rights and contentions deposit a sum of Rs.1,50,000/- before the Trial Court by 03.07.2019.

On deposit of this amount the Trial Court will issue appropriate direction to invest this amount in fixed deposit in any nationalised bank initially for a period of one year to be renewed from time to time.

4. Upon the respondent No.1 producing the receipt to the Court Receiver of having deposited a sum of Rs.1,50,000/- with the Trial Court, Court Receiver to handover the car to the respondent No.1 without any royalty and compensation. The Court Receiver to stand discharged upon handing over the vehicle.

5. In this view of the matter, the parties having fairly agreed to this arrangement, nothing survives in the Appeal. It is once again made clear that the amount which has been deposited before the Trial Court is obviously subject to the outcome of the suit.

6. The Appeal is disposed of. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

7. Parties to act on an authenticated copy of this order.

(M. S. KARNIK, J.)