

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3728 OF 2014**

Neville Pesi Tata ...Petitioner

Versus

Rajeev Pramod Parab & ors. ...Respondents

Mr. J. H. Oak, for the Petitioner.

Mr. S. M. Sabrad, for Respondent no.1.

CORAM: N. J. JAMADAR, J.

DATED : 27th SEPTEMBER, 2019

PC:-

1. Heard Mr. Oak, the learned Counsel for the petitioner and Mr. Sabrad, the learned Counsel for respondent no.1.

2. Mr. Sabrad, the learned Counsel for respondent no.1, makes a statement that respondent no.1 is ready to accept the amount of Rs.5,00,000/-, deposited by him with respondent no.2, as a security deposit, without any interest thereon.

3. In response thereto, Mr. Oak, the learned Counsel for the petitioner, on instructions, submits that the petitioner is ready to deposit 1/3rd amount of the said security deposit in the trial court, as there is dispute between the petitioner and respondent nos.3 and 4 i.e. other partners of respondent no.2

– Firm. He further submits that the suit may then proceed against respondent nos.3 and 4. The learned Counsel for respondent no.1 - original plaintiff is agreeable to this proposition also.

4. In view of the above, the petition stands disposed of with a direction to the petitioner to deposit 1/3rd amount of the security deposit of Rs.5,00,000/- before the trial court within 90 days from today. Respondent no.1 – plaintiff is permitted to withdraw the said amount and take appropriate steps as regards the prosecution of the suit against respondent nos.2, 3 and 4.

5. Ad-interim relief, granted earlier in terms of order dated 7th April, 2014, stands vacated.

[N. J. JAMADAR, J.]