

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8815 of 2014

Tapas Kumar Das

...Petitioner

vs.

Abdul Kadar Yadli Shaikh

...Respondent

Mr. Sumeet Vankadkar I/b Ms. Archana Khan, for the Petitioner
Mr. Afroz Siddiqui, for the Respondent

CORAM : M. S. SONAK, J.

DATE : 24th April, 2019.

P.C.:

1] After this petition was argued for sometime the Learned Counsel on the basis of instructions from their respective parties states that, both this petitions may be disposed of with the following order :-

[i] The direction in the impugned order dated 23-06-2014 for payment of Rs.4,000/- per month pay as interim mean profits is hereby set side. However, the amount of Rs. 3,60,000/- deposited by the petitioner in this court, is directed to be transfered to the City Civil Court at Mumbai to the account of Suit No.7460/2006. The Registry of the City Civil Court is directed to invest this amount in a Nationalized Bank for an initial period of one year.

This amount shall abide by final orders to be made by the Learned City Civil Court, Mumbai in Suit No.7460 of 2006.

[ii] Order dated 10-10-2014 made by the Learned City Civil Court, Mumbai closing the evidence of the petitioner is set aside subject to payment of cost of Rs. 50,000/-. Learned Counsel for the petitioner on the basis of instructions from the petitioner states that, the petitioner will pay/deposit costs of Rs. 25,000/- on or before 24th May 2019 and balance of Rs. 25,000/- on or before 24th June 2019. If there is any difficulty in making of payment to the respondent, the said amount of costs to be deposited before the Learned City Civil Court, from where the respondent will have unconditional liberty to withdraw the same.

[iii] In case of failure to deposit the costs as aforesaid, the impugned order dated 10-10-2014 will revive and even if, in the meanwhile the petitioner has lead any evidence, the same will have to be discarded from consideration.

2] The Learned Counsel for the petitioner states that the petitioners will examine in maximum examine five witnesses. Further, the petitioner/witnesses will not seek any unnecessary adjournment and cooperate with the Learned City Civil Judge in the expeditious disposal of the Civil Suit.

3] The Learned City Civil Judge is directed to dispose of suit No. 7460 of 2006 as expeditiously as possibly and in case on or before 31st March 2020. Both the parties to co-operate with the Learned City Civil Judge in the expeditious disposal of the suit.

4] It is made clear that this Court has not adverted to the merits of the matter and therefore all contentions are kept open.

5] The aforesaid order is made on the basis of agreement arrived at between the parties as expressed through their learned counsel before this Court.

6) All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)