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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10007 OF 2017

Ravindra Poonamchand Angara	..Petitioner.
V/s.	
GPR Power Solutions Pvt. Ltd.	..Respondent.

Mr.Ram Kutwal with Kartiki Gardi for the petitioner.

Ms.Neelam Gupta I/b. S.R.Gupta for the respondent.

CORAM : M.S.SONAK, J.

DATE : APRIL 12, 2019

P.C.:-

Heard Mr.Kutwal, learned counsel for the petitioner and Ms.Gupta, learned counsel for the respondent.

2. After this matter was argued for some time, learned counsel for the parties, on the basis of instructions received from the parties, requests that this petition may be disposed of with the following order :-

- a) The impugned order dated August 13, 2015 dismissing the notice of motion No.3211/2014 may be set aside subject to the petitioner paying costs of Rs.1,00,000/- within a period of four weeks from today;

- b) The costs be either directly paid to the respondent or deposited before the trial Court within a period of four weeks from today. If so deposited, the respondent shall have unconditional liberty to withdraw the costs;
 - c) Upon payment / deposit of costs, the impugned order dated August 13, 2015 shall stand set aside and Notice of Motion No.3211/2014 shall stand restored on the file of City Civil Court, Mumbai. The City Civil Court, Mumbai is, then, directed to dispose of the said Notice of Motion No.3211/2014 as expeditiously as possible and in any case within a period of three months from the date the costs are paid / deposited, on its own merits and in accordance with law;
 - d) In case the costs are not paid / deposited within the period of four weeks from today, this petition shall be deemed to have been dismissed with costs of Rs.10,000/- without further reference to this Court;
 - e) If the costs are paid /deposited within the period of four weeks from today, the parties to appear before the City Civil Court, Mumbai on June 4, 2019 at 11.00 a.m. and file an authenticated copy of this order;
3. This matter was adjourned for some time in order to allow

learned counsel for the petitioner to take instructions as to whether the petitioner offers to pay costs. Learned counsel for the petitioner, on the basis of instructions from the petitioner, has stated that the petitioner is ready to pay costs of Rs.1,00,000/- as a condition for setting aside the impugned order. Learned counsel for the respondent has also stated that subject to payment of costs of Rs.1,00,000/- to the respondent, the impugned order may be set aside.

4. The petition is disposed of in the aforesaid terms.
5. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)