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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13752 OF 2018

Jai Prakash Lahoti

..Petitioner.

V/s.

Rajesh Chandmal Ostwal & Anr.

..Respondents.

Ms.Vikranti Rao i/b. Tejas Deshpande for the petitioner.

Mr.Vinod Gangwal. for respondent Nos.1 & 2.

CORAM : M.S.SONAK, J.

DATE : APRIL 12, 2019

P.C.:-

After the matter was heard for some time, learned counsel for the parties, on the basis of instructions request that this matter can be disposed by passing the following order :-

- a) The petitioner, without prejudice to his rights and contentions in the suit, will deposit before the trial Court an amount of Rs.18,50,000/- (Rupees Eighteen lakhs and fifty thousand only) within a period of two months from today;
- b) The petitioner within a period of one week from today file an undertaking before learned trial Judge that the said amount will

indeed be deposited within a period of 2 months from today.

The undertaking, if filed within one week, shall be deemed to be an undertaking to this Court;

- c) If the undertaking, as aforesaid is filed by the petitioner within one week from today before the trial Judge, after furnishing of advance copy to learned counsel for the respondents, the impugned order shall remain stayed for a period of two month therefrom;
- d) If the petitioner deposits an amount of Rs.18,50,000/- (Rupees Eighteen lakhs and fifty thousand only) before the trial Court, within a period of two months from today, then, the impugned order be set aside;
- e) If the amount of Rs.18,50,000/- (Rupees Eighteen lakhs and fifty thousand only) is deposited in the trial Court, the trial Court to invest the said amount in a suitable financial instrument of a nationalised bank. The investment shall enure during the pendency of the suit and shall abide by the final orders that will be made in the suit;
- f) The aforesaid arrangement is an interim arrangement which is to operate during the pendency of the suit and it is without prejudice to the rights and contentions of both the parties.
- g) In case, the petitioner fails to file an undertaking within one week

from today, this petition shall be deemed to have been dismissed with costs of Rs.10,000/- without further reference to the Court. Similarly, in case the petitioner fails to deposit the amount of Rs.18,50,000/- (Rupees Eighteen lakhs and fifty thousand only) within a period of two months from today, again, this petition shall be deemed to have been dismissed and the impugned order shall stand confirmed and will have to be complied with;

2. The petitioner Jai Prakash Lahoti is present in the Court and this order has been made in his presence.
3. This petition is disposed of in the aforesaid terms. There shall be no order as to costs, except as aforesaid.
4. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)