

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No.261 of 2014

IN

SUIT No. 837 of 2013

Ravikant Shantaram Sao ..Applicant.

In the matter between :-

Ravikant Shantaram Sao ..Plaintiff.

Vs

Chandrakant Shantaram Sao & Ors..Defendants.

Mr. Gaurav Mehta a/with Mr. Bimal Bhabda I/by Apte & Co. for the plaintiff.

Mr. K.R. Parekh for Defendant No. 1 and 2.

CORAM : B. P. COLABAWALLA, J.

DATED :- 5th February, 2019.

P.C. :

1 In this Notice of Motion, this Court by its order dated 17th July, 2013 has granted ad-interim relief in terms of prayer clauses (a) to (h) of the motion. At the time when the ad-interim order was passed, none was present for the defendants. Pursuant to

this ad-interim order, defendant No.1 has deposited a sum of Rs.15.5 lakhs in this Court and which is duly recorded and accepted by this Court in Contempt Petition No.15 of 2014 vide its order dated 25th August, 2014.

2. The learned Advocate appearing on behalf of defendant Nos. 1 and 2 has fairly stated that the ad-interim order dated 17th July, 2013 can be continued as an interim order till the disposal of the suit. The learned Advocate appearing on behalf of the plaintiff has also pressed for prayer clause (i) of the motion, seeking a withdrawal of the amount of Rs.15.5 lakhs, with accrued interest, without furnishing any security. Prima facie, I find that this amount belongs to the plaintiff and he should not be deprived of enjoying the same till the disposal of the suit. In these circumstances, the following order is passed :-

(i) The ad-interim order dated 17th July, 2013 is continued as an interim order till the hearing and final disposal of the suit;

(ii) In addition to the aforesaid, the notice of motion is also granted in terms of prayer clause (i) which reads thus :

“i. That this Hon'ble Court may be pleased to pass an order allowing the Plaintiff to withdraw the said amount without furnishing any security.”

(iii) It is made clear that the monies withdrawn by the plaintiff shall be subject to any final orders that are passed in the suit. It is further made clear that this is without prejudice to the rights and contentions of the plaintiff as well as defendant No. 1 and 2.

3. The notice of motion is disposed of in the aforesaid terms.

No order as to costs.

(B.P. COLABAWALLA, J.)