

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****INTERIM APPLICATION NO. 1 OF 2019****IN****WRIT PETITION (L) NO. 4294 OF 2018****Jayesh Tanna****..... Applicant****IN THE MATTER BETEWEEN****Jayesh Tanna****..... Petitioner****VERSUS****Radha Arakkal & Anr.****..... Respondents**

Mr.Abhay Arora, i/b. Ms.NDB Law for the Applicant/Petitioner.

Ms.Chaitra Rao for the Respondent nos. 3 and 4.

CORAM : R.D. DHANUKA, J.**DATE : 11th OCTOBER, 2019****P.C.**

By this application, the applicant seeks extension of time to deposit an amount as directed by the order dated 28th January,2019. It is the case of the applicant that according to the calculation made by the applicant, the applicant was required to deposit a sum of Rs.63,83,024.27 which amount was deposited within the time prescribed by the order passed by this court on 28th January,2019.

2. On the other hand, it was the case of the respondents that the amount liable to be deposited by the respondent was in the sum of Rs.91,33,146/- inclusive of cost of complaint, stamp duty and registration. In view of the difference in the calculation of the amount computed in accordance with the order passed by this court, there is difference of about Rs.23,33,679.38.

3. Learned counsel for the applicant (original petitioner) on instruction states that though the calculation of the applicant in the sum of Rs.63,83,024.27 was correct, without prejudice to the rights and contentions of the applicant, his client is ready and willing to deposit the balance amount of Rs.23,33,679.38 plus interest thereon from 29th January,2019 till 9th October, 2019 which comes to Rs.24,96,247.33.

4. Learned counsel for the respondents strongly opposes the application for seeking extension of time to deposit the balance amount on the ground that the applicant has committed default in compliance with the order passed by this court and thus the appeal filed by the applicant has already stood dismissed. She submits that in any event, if this court is inclined to grant extension of time to deposit the differential amount, the applicant shall be directed to pay the reasonable amount of cost to the respondents.

5. The applicant is granted extension of time to deposit the amount of Rs.24,96,247.33 which is inclusive of interest in the sum of Rs.1,62,568/- and further interest to be computed till 16th October,2019 i.e. the extended period. It is made clear that no further extension of time would be granted.

6. The applicant is also directed to pay a cost of Rs.15,000/- to the respondents within one week from today.

7. Interim application is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]