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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.2267 OF 2020

Ganesh Vitthal Kotavadekar ... Petitioner

Versus

M/s. Shriram City Union Finance Ltd. and Ors. ...Respondents

Mr. R. R. Bhatkar, for the Petitioner.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MARCH, 2020

P.C. :

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner has impugned the order dated 4th January, 2020, passed by the learned Civil Judge, Senior Division, Ratnagiri, below Exhibit – 31, in Special Darkhast No.453 of 2019, by which, the learned Judge was pleased to issue arrest warrant, as against the petitioner (judgment debtor no.1) under Order XXI, Rule 37(2) read with Order XXI, Rule 38 of the Code of Civil Procedure.
3. Learned Counsel for the petitioner has tendered an affidavit/undertaking of the petitioner. The same is taken on record and marked 'X' for identification. In the said affidavit/undertaking the petitioner

has undertaken to deposit Rs.4 lakhs, without prejudice to his rights and contentions i.e. Rs.1 lakh on or before 7th March, 2020 and Rs.3 lakhs on or before 20th March, 2020, in the Court of the learned Civil Judge, Senior Division, Ratnagiri, in Special Darkhast No.453 of 2019. The petitioner in the said affidavit/undertaking has also accepted that in the event there is failure to deposit the said amount within the stipulated time as mentioned hereinabove, the order of issuance of warrant passed by the learned Civil Judge, Senior Division, Ratnagiri, would be revived.

4. In view of the aforesaid affidavit/undertaking, the order dated 4th January, 2020, passed by the learned Civil Judge, Senior Division, Ratnagiri, below Exhibit – 31, in Special Darkhast No.453 of 2019, is stayed, till the next date.

5. Stand over to 26th March, 2020, for compliance of the deposit.

6. It is made clear that if the petitioner fails to deposit the amount as mentioned hereinabove, the ad-interim relief will stand vacated forthwith.

7. In the meantime, issue notice to the Respondent No.1, returnable on 26th March, 2020. Hamdast permitted. In addition to the Court notice, Petitioner to serve the said Respondent, by Advocate's notice and file affidavit of service before the returnable date.

8. Notice to indicate that an endeavour shall be made to dispose of the petition finally, at the stage of admission, even if none appears on behalf of the said respondent.

9. Learned Counsel for the Petitioner to supply spare copy in the Registry within ten days from today, to enable the Registry to issue notice, failing which, the petition shall stand dismissed for non-prosecution, without further reference to the Court.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.