

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2122 OF 2020

IN

CIVIL WRIT PETITION NO. 2715 OF 2018

Smt. Hemlata Chandru Manik

Through her husband & Constituted Attorney

Chandru Lakhmichand Manik

... Applicant/Petitioner

V/s.

Mrs. Jayshree Parmanand Hinduja & Anr.

... Respondents

Mr.J.S. Kini i/b. Ms.Sapna Krishnappa for Applicant/Petitioner.

Mr.Anandkumar Singh for Respondents.

CORAM : A.S. GADKARI, J.

DATE : 4th August 2021.

PC. :

1. This is an application for modification of sentence from para No.8 of Order dated 27th June 2018. The relevant sentence reads as under :-

“The plaintiff will be at liberty to withdraw the said amount only upon furnishing solvent security to the satisfaction of the trial Court.”

2. Mr.Kini, learned counsel for the Applicant submitted that, furnishing of solvent security is necessarily in a criminal matter, as in case of invocation of surety/security, it is to be solvent. He submitted that, the Applicant herein is the landlord who in furtherance of the Order dated 27th

June 2018 intends to withdraw the rent deposited by the Respondent in the Registry of the Small Causes Court and the words 'solvent security' may be deleted from the record.

3. In view thereof, the words 'solvent security to the satisfaction of the trial Court' stands deleted from the said sentence and the words 'upon furnishing usual undertaking for securing the interest of the Respondent/tenant' be added. After replacing the said words, the said sentence would read as under :-

“The plaintiff will be at liberty to withdraw the said amount upon furnishing usual undertaking for securing the interest of the Respondent/tenant.”

4. The Order dated 27th June 2018 stands modified to that extent only.

5. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]