

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 105 OF 2021
WITH
CIVIL APPLICATION (CAA) NO. 03 OF 2021**

Western Agri Food Park Pvt.Ltd. & Ors.

... Appellants

V/s.

M/s. Rachana Developer & Ors.

... Respondents

Mr.Vishwajeet Sawant, Senior Advocate a/w. Ms.Krusha N. Barfiwala, Mr.Ryan Sherif i/b. Parinam Law Associates for Appellants.

Mr.G.S. Godbole a/w. Mr.Kaustubh Thipsay i/b. Mr.Shon D. Gadgil for Respondent Nos.1 to 3.

Mr.Sameer Kulkarni, Director of Western Agri Food Park Pvt. Ltd..

CORAM : A.S. GADKARI, J.

DATE : 6th September 2021.

PC. :

1. Heard learned counsel for both the parties.
2. In view of the deliberation which took place during the course of arguments, Mr.Sawant, learned Senior Counsel appearing for the Appellants, on instructions from Mr.Sameer Kulkarni, Director of Western Agri Food Park Pvt. Ltd., who is personally present in the Court, submitted that, the Appellants will give a continuous bank guarantee of Rs.15 crores drawn on a Nationalized Bank and the same will be furnished before the Trial Court, wherein Special Civil Suit No. 1159 of 2015 (now numbered as Special Civil

Suit No. 54 of 2017) is pending. He on instructions further submitted that, the Appellants will furnish the said bank guarantee in the Trial Court within a period of four weeks from today. The said statement is accepted as an undertaking given to this Court.

3. It is needless to mention that, the Appellants shall keep the said bank guarantee alive during the pendency of the said Suit and shall not revoke it or liquidate it under any circumstances and without the permission of the Trial Court. It is further needless to mention that, the said furnishing of bank guarantee by the Appellants will be without prejudice to the rights and contentions of the Appellants as well as Respondents in the present Suit and Special Civil Suit No.896 of 2015 (now numbered as Special Civil Suit No. 9 of 2018) filed by the Appellants, pending on the file of District Judge-1, Pune.

4. The impugned Order dated 30th November 2018 passed below Exhibit-5 in Special Civil Suit No. 1159 of 2015 (now numbered as Special Civil Suit No. 54 of 2017) is modified to the above extent.

5. In view of modification of the impugned Order dated 30th November 2018, nothing further survives in the present Appeal from Order and it is accordingly disposed off.

6. In view of disposal of Appeal from Order No.105 of 2021, Civil Application No.3 of 2021 does not survive and is also disposed off.

7. Record indicates that, Special Civil Suit No.896 of 2015 (now numbered as Special Civil Suit No. 9 of 2018) filed by the Appellants and the present Special Civil Suit No. 1159 of 2015 (now numbered as Special Civil Suit No. 54 of 2017) filed by the Respondents are pending on the file of the District Judge-1, Pune for last about 6 years.

In view thereof, the learned District Judge-1, Pune seized of the said Suits is hereby requested to expedite the hearing of both the Suits.

[A.S. GADKARI, J.]

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