

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 223 OF 2022
IN
APPEAL FROM ORDER NO. 327 OF 2021
ALONGWITH
APPEAL FROM ORDER NO. 327 OF 2021**

**RUPANI SPINNING MILLS PRIVATE
LIMITED } APPLICANT**

IN THE MATTER BETWEEN :

**KAVIS FASHIONS PRIVATE
LIMITED } APPELLANT**

V/S.

**RUPANI SPINNING MISS PRIVATE
LIMITED } RESPONDENT**

*** * * ***

**Mr. J.P. Sen, Senior Advocate with Mr. Tushad Kakalia,
Mr. Areez Gazdar, Mr. Nutash Kotwal i/by Veritas
Legal, for the appellant.**

**Mr. Gautam Ankhad a/w. Mr. Satchit Bhogle, Mr.
Prantik Majumdar, Mr. Ahineet Sharma i/by.
Parinam Law Associates, Advocate for the respondent.**

Coram : Sandeep K. Shinde, J.

Tuesday, 1st March, 2022.

P.C. :

- 1) Heard learned Counsel for the parties.
- 2) Pending suit, vide order dated 4th January, 2021 below Exhibits-5 and 16 passed in Special Civil Suit No.278/2020, Learned Joint Civil Judge, Senior Division Thane, directed the defendants to deposit or pay to the plaintiff amount specified therein. That order is subject matter of the Appeal.
- 3) In Appeal, on 29th November, 2021 appellants were directed to deposit 50% of the amount. Pursuant to which, Appellants-defendants, have deposited Rs.2,17,00,000/- in the Registry of this Court.
- 4) Applicants seek withdrawal of this amount.
- 5) Keeping all contentions of the respective parties open, the applicants are permitted to withdraw the amount, subject to furnishing security to the satisfaction of the trial Court, for which, the applicant shall move appropriate application.
- 6) Mr. Sen, learned Senior Counsel appearing for the appellants, on instructions, makes a statement that

appellants-licensees, shall handover possession of the suit property, described in the second schedule, to leave and license agreements, dated 17th March 2015 and 19th March 2015, to the Licensor/s on 30th March, 2022. Statement is accepted as an Undertaking to this Court. It is clarified that, the statement made is without prejudice to the rights and contentions of the appellants.

7) Registry shall accept the reply of the appellants, if filed within a week from today.

8) List the appeal for admission on 6th April, 2022.

9) Interim Application is disposed of.

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SHAILESH
SAWANT

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(Sandeep K. Shinde, J.)