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

**APPEAL FROM ORDER NO. 192 OF 2022
WITH
INTERIM APPLICATION STAMP NO. 5676 OF 2022**

Mr.Mithun Kumar Sidheshwar Vishwakarma..Appellant
VS.
Indamer Aviation Private Limited ..Respondent

Mr. Suryaprakash H. Mishra, for Appellant.
Mr. D.A. Athavale, for Respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2022

P.C. :

1. Heard learned counsel for the appellant.
2. After the matter was argued for some time, an opinion was expressed by me on the merits of the matter. Learned counsel for the appellant however submitted that instead of inviting an order of this Court, he has sought instructions from the appellant who indicated his willingness to deposit a sum of Rs.10,00,000/- instead of the amount directed by the trial Court. He submits that Rs. 8,00,000/- will be

deposited within four weeks from today and remaining amount of Rs.2,00,000/- will be deposited within a period of eight weeks from today. Leaned counsel for the respondent-original plaintiff, in all fairness submitted that though it is his submission that the order passed by the trial Court does not call for any interference, nonetheless, he has been instructed by the respondent to accept the said arrangement without prejudice to the rights and contentions of both parties in the suit. The course suggested is reasonable and is accepted.

3. In this view of the matter, the order of the trial Court is modified to the limited extent that instead of Rs.12,90,563/- mentioned in the operative part of the order, the same will now read as Rs.10,00,000/-. The statement of the appellant that Rs. 8,00,000/- will be deposited within four weeks from today and the balance of Rs.2,00,000/- will be deposited within eight weeks from today is accepted as an undertaking to his Court.

4. After the amount is deposited, the same be invested in terms of the order passed by the trial court.

5. The appeal from order is disposed of. In view of the disposal of the appeal from order, interim application also stands disposed of.

(M. S. KARNIK, J.)