

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUMMONS FOR JUDGMENT NO.41 OF 2019

IN

SUMMARY SUIT NO.374 OF 2019

Mehul Jadavji Shah

.. Applicant–Org. Plaintiff

Vs.

Vimal Art (India) and Ors.

.. Defendants

Mr. Mikhail Behl, i/by Mr. Abhishek Adke and Ms. Vibha Joshi, for the Applicant–Org. Plaintiff.

Mr. Yakshay Chheda for the Defendants.

CORAM : A. K. MENON, J.

DATE : 7TH JUNE, 2022.

P.C. :

1. In view of the order passed in Summons for Judgment No.43 of 2019 in Summary Suit No.368 of 2019 of the even date, the facts in the aforesaid Summons for Judgment are being identical in nature, both the learned counsel have adopted the arguments advanced in Summons for Judgment No.43 of 2019 in Summary Suit No.368 of 2019 and I have reached the same conclusions in this Suit as well.

2. Accordingly, I pass the following order :-

- (i) The defendants shall deposit a sum of Rs.1,22,23,900/- in this court within a period of eight weeks from today.

- (ii) If the amounts are so deposited, the defendants shall be entitled to defend the Suit by filing written statement/s within a further period of two weeks of such deposit.
- (iii) If the deposit is not made, the plaintiff shall be entitled to apply for a decree after obtaining a certificate of non-deposit. If the deposit is made, the amount shall be invested by the Prothonotary and Senior Master in a nationalized bank initially for a period of one year, to be renewed year on year till final disposal of the Suit.
- (iv) The Summons for Judgment is disposed in the above terms.

(A.K. MENON, J.)