

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2267 OF 2023

TPL Industries Ltd. ... Petitioner
Versus
Sanjay R Mehta ... Respondent

— —
Mr. Ram U. Singh i/by Mr. Vijay Kumar Sharma for the Petitioner.
Mr. Dinesh Shah for the Respondent.
— —

CORAM : SHARMILA U. DESHMUKH, J.

DATE : June 20, 2023.

P. C. :

1. The challenge in the petition is limited to clause no.2 of operative part of the impugned order dated 11.11.2022 passed by the City Civil Court in Summons for Judgment No. 377 2016, where after observing that triable issue has been raised as regards the limitation and maintainability of the proceedings, the defendant was directed to deposit an amount of Rs.5,00,000/- to be paid to the plaintiff within a period of two months from the date of this order.

2. Heard Mr. Ram U. Singh, learned counsel for the Petitioner and Mr. Dinesh Shah, learned counsel for the Respondent.

3. Learned counsel for the petitioner has taken this Court through the pleadings as well as the order of the Rajasthan High Court passed in S.B.Company Petition No.8 of 2007 filed by the respondent seeking winding up of the petitioner-company for non-fulfillment of the debt. It is not necessary for this Court to go into this issue in view of the consensus which have been arrived at between the learned counsel appearing for the parties that clause no.2 of operative part of the impugned order be modified directing the petitioner to deposit an amount of Rs.5,00,000/- in the Court pending the hearing and final disposal of the Summary Suit No.694 of 2016.

4. Learned counsel appearing for the Respondent initially submitted that if the amount is paid to the Respondent, a bank guarantee to the extent of amount will be paid. Thereafter he extended his no objection if the Petitioner is permitted to deposit the amount of Rs.5,00,000/- in the City Civil Court, pending the hearing and final disposal of the Summary Suit No.694 of 2016.

5. In light of the above, clause no.2 of the operative part of the impugned order dated 11th November, 2022 is hereby modified, as under:

“The defendant shall deposit an amount of Rs.5,00,000/- in the City Civil Court at Bombay in Summary Suit No.694 of 2016 within a period of two months from the date of the order; and the amount deposited be invested in the Nationalised Bank, pending hearing and final disposal of the Summary Suit No.694 of 2016.”

6. The rest of the impugned order not being challenged by the Petitioner stands as it is.
7. Writ Petition stands disposed of in the above terms.

(Sharmila U. Deshmukh, J.)