

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13295 OF 2022

Pradeep Karsandas Bhatia

...PETITIONER

V/s.

Shardul Vijay Parikh

...RESPONDENT

Mr. A.K. Upadhyay, Advocate for the Petitioner.

Mr. Jaydeep Deo, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 15th JUNE, 2023

P.C. :

1. On 5th April, 2023 following order was passed :-

1. Heard learned counsel for the petitioner and learned counsel for the respondent.

2. Learned counsel for the petitioner has handed over demand draft of Rs.7,20,000/- to learned counsel for respondent. Respondent is present in Court, he has accepted the said demand draft.

3. Learned counsel for the petitioner submits that the petitioner would deposit remaining arrears of the amount before 28th June 2023. Learned counsel for respondent strongly objected to this as sufficient chances are already given to the petitioner to deposit the amount.

4. Considering the submissions of both learned counsel, the petitioner shall give the remaining amount of arrears on or before 15th June 2023.

5. Learned counsel for respondent submits that demand draft of Rs.7,20,000/- is accepted without prejudice to the rights of respondent. His statement is accepted.

6. Stand over to 15th June, 2023.

2. Today when the matter is called out, learned Counsel for the petitioner hands over demand draft for sum of Rs.7,80,000/- for the remaining arrears to the learned Counsel for the Respondent. The respondent who is present in Court has accepted the demand draft. Learned Counsel for the Respondent submits that the total amount as directed by the Court has been received by the Respondent and the Respondent has no objection if the order dated 10th December, 2019 passed below MARJI No.232 of 2019 is quashed and set aside.

3. By consent of the learned Counsel for the Petitioner and the Respondent, obtained on instructions, the order dated 10th December, 2019 of the Trial Court below MARJI No.232 of 2019 is quashed and set aside.

4. Learned Counsel for the Respondent submits that the money has been received and accepted by the Respondent without prejudice to his rights.

5. Learned Counsel for the Petitioner, on instructions, states that the petition having been worked out, the petitioner would continue to comply with the order dated 28th October, 2016 of the Trial Court by making payment of Rs.20,000/- per month to the Respondent.

6. Liberty to the petitioner to move application before the Trial Court.

7. The writ petition stands disposed of in the above terms.

(ABHAY AHUJA, J.)