

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.327 OF 2021
WITH
INTERIM APPLICATION NO.2888 OF 2021
IN
APPEAL FROM ORDER NO.327 OF 2021

Kavis Fashions Private Limited	Appellant/Applicant
V/S	
Rupani Spinning Mills Private Limited	Respondent
...	

WITH
INTERIM APPLICATION NO.3415 OF 2022
IN
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 Mills Private Limited	Respondent
...	

Mr. V.V. Tulzapurkar, Senior Advocate a/w Mr. Mandar Soman,
Mr. Vaibhav Gaikwad, Mr. Tushad Kakalia i/b M/s. V & M Legal for the
Appellant.

Mr. Dinyar Madon, Senior Advocate, Mr. Prantik Majumdar, Mr. Abhineet
Sharma and Mr. Kandarp Trivedi i/b M/s. Parinam Law Associates for
Respondent-Rupani Spinning Mills.

...

CORAM: SANDEEP V. MARNE, J.
DATE : OCTOBER 23, 2023.

P.C.:

1 This Interim Application No.3415 of 2022 is filed by the Applicant/ Original Respondent complaining failure on the part of the Appellant to deposit the amount as directed by this Court by order dated 29 November 2021 read with the order of the Trial Court dated 4 January 2021. It appears that the Appellant has deposited the amount of Rs.2,17,01,603/-. According to Mr. Madon, the learned Senior Advocate for the Applicant/Original Respondent the said amount does not satisfy 50% of the amount as directed to be deposited under the order dated 4 January 2021 passed by the Trial Court. Both the sides have presented calculations in support of their respective amounts which according to them is required to be deposited as per order dated 29 November 2021.

2 To put an end to the entire controversy it would be appropriate that the Appellant is directed to deposit further amount of Rs.65,00,000/- with a view to satisfy the deposit as directed by this Court by order dated 29 November 2021 so that hearing of the Appeal need not be deferred any further.

3 Mr. Tulzapurkar, the learned Senior Advocate for the Appellant would submit that a cheque of Rs.65,00,000/- will be deposited during the course of the day. This Court by its order dated 1 March 2022 has already permitted the Applicant/Original Respondent to withdraw the deposited amount subject to furnishing security and/or undertaking to

the satisfaction of the Trial Court. Accordingly further amount of Rs.65,00,000/- deposited in pursuance of the order passed today can also be withdrawn by the Applicant/original Respondent subject to furnishing security and/or undertaking to the satisfaction of the Trial Court.

4 The Registrar to accept the cheque for Rs.65,00,000/- to be deposited by the Appellant.

5 The Interim Application No.3415 of 2022 is accordingly disposed of.

APPEAL FROM ORDER NO.327 OF 2021 &
INTERIM APPLICATION NO.2888 OF 2021

6 List the Appeal from Order and Interim Application on 25 October 2023.

(SANDEEP V. MARNE, J.)