

SA Pathan

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

WRIT PETITION NO.15889 OF 2023

M/s Modi Builders & Ors ... Petitioners
V/s.
Ramesh Nanji Thakkar & Ors ... Respondents

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Mr. Girish S. Godbole, Mr Sumit Kothari a/w
Mr.Davashish Godbole, for Petitioners.

Mr. Vivek Kantawala a/w Mr. Amey Patil, i/by Shanay
Bafna, for Respondents.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 22, 2023

P.C.:

1. Leave to amend.
2. Amendment to be carried out forthwith.
3. After arguing the writ petition for sometime, learned Sr. Advocate for the petitioner, on instructions, made a request that the petitioner is ready to comply with the order of the Appellate Court provided reasonable period to deposit amount, is granted. On instructions of petitioner No.2, who is present in the Court, he states that the petitioners shall file undertaking in this Court stating that within two weeks from today petitioners shall deposit of Rs.2,01,50,000/-.

4. He further states that, petitioners undertake to deposit balance amount on installment i.e. Rs.95 lakh per month. The period to deposit the installment will start from end of January 2024. The first installment of Rs.95 lakh shall be deposited by 31 January 2024, the second installment of Rs.95 lakh shall be deposited by 29 February 2024, the third installment of Rs.95 lakh shall be deposited by 31 March 2024 and the last installment of Rs.95 lakh shall be deposited by 30 April 2024.
5. On deposit of each installment, the District Judge – 2, Pune shall invest such amount in Nationalized Bank subject to further orders passed in the proceeding.
6. The petitioner shall file undertaking to that effect within two weeks from today. In case of failure to file such undertaking or deposit the amount within two weeks as undertaken, or if there is failure to deposit any installment, the impugned award shall become executable.
7. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)