

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13956 OF 2023

M/S A1 Motors

..... Petitioner

VERSUS

Swati Satish Talim & Anr.

..... Respondents

Mr. Uzain Kazi a/w. Mr.Rohit Vaishya i/b. YMK Legal for the
Petitioner.

Mr.Atul Damle, Senior Advocate a/w. Mr.Amit Singh, Mr.Aditya
Ghatge i/b. Abhay Nevagi & Associates for the Respondents.

Ms.Mira Naik, Respondent No.2 present.

CORAM: RAJESH S. PATIL, J.

DATE : 22 APRIL, 2024

P.C. :-

After the matter was argued for some time, both the
learned counsel agree without prejudice to their rights and
contentions that the writ petition can be disposed of with certain
directions.

2. Writ petition is disposed of with following directions :-

(a) Civil Appeal No. 268 of 2022, pending before the District Court, Pune, the hearing of the same is expedited.

(b) Without prejudice to the rights and contentions of both parties, the petitioner (appellant before the District Court) will, deposit the arrears, if any, within a period of four weeks from today before the executing court.

(c) The petitioner shall continue depositing a sum of R.49,500/- per month on the 10th day of each month without prejudice to the rights and contentions of both parties, till the hearing and final disposal of the appeal.

(d) The amount which the petitioner (appellant before the District Court) will be deposited with the executing court, is hereby allowed to be withdrawn by

the respondents herein, subject to they filing an undertaking before the executing court that in case, an order is passed thereby directing them to bring back the money withdrawn by them, along with interest, (if any,) they will comply with the said directions of the Court. An undertaking to this effect should be filed before the amounts are withdrawn from the executing court. A copy of such undertaking should be furnished to the petitioner (appellant before the District Court) one week before withdrawing the amounts.

(e) Since the petition is disposed of, without going to the merits, all contentions of both the parties are kept open.

[RAJESH S. PATIL, J.]