

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1135 OF 2024

Arjan Kishindas Ramani (Deceased) & Ors. Petitioners

VERSUS

Pratima Prakash Wagh & Ors. Respondents

Mr.Nikhil Wadekar i/b. Ms.Sharda Pandey for the Petitioners.

Ms.Kainaz Irani a/w. Mr.Gobinda C.Mohanty i/b. Mr.Gobinda C.Mohanty for the Respondents.

CORAM: RAJESH S. PATIL, J.

DATE : 18 MARCH, 2024

P.C. :-

Matter is allowed to be produced on production board in view of urgency.

2. This matter was moved by the petitioners in order to deposit a total sum of Rs.13,70,000/- before the Small Causes Court at Bandra, Mumbai. He submits that for the payment of the said amounts, two demand drafts were preferred by the petitioners, one demand draft of Rs.12,50,000/- dated 3 August,

2023 and another demand draft of Rs.1,20,000/- dated 8 January, 2024. He submits that already demand draft of Rs.12,50,000/- validity has expired and demand draft dated 8 January 2024 of Rs.1,20,000/- is still valid.

3. Ms.Irani, learned counsel for the respondents on instructions from her clients submits that without prejudice to the rights and contentions of the respondents, the said amount of Rs.13,70,000/- should be deposited in the Small Causes Court, Bandra, Mumbai.

4. The petitioners are permitted to deposit a sum of Rs.13,70,000/- within a period of one week from today with the Registrar of the Court of Small Causes, Bandra, Mumbai without prejudice to the rights and contentions of both the parties.

5. Matter to come up on board on **1 April, 2024**.

6. Ms.Irani submits that the petitioners have defaulted many a

times in making payment of the amount as directed by this Court by its earlier order dated 3 October, 2017. She submits that therefore cost should be imposed upon the petitioners.

7. The petitioners to pay cost of Rs.50,000/- to the respondents, directly in the bank account of the respondent no.1 within a period of two weeks from today.

[RAJESH S. PATIL, J.]