

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1771 OF 2024

Padmini Hiralal Jain & Anr.

.. Petitioners

Versus

Ashokumar Mishrimal Jain & Anr.

.. Respondents

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- Mr. Rohit P Mahadik i/by Mr. Amogh K. Karandikar for Petitioners
- Mr. Rajan Yadav for Respondent No. 1
- Mr. Shanay Shah a/w Mr. Kiran Jain & Naomi Ting i/by Kiran Jain & Co for Intervenors
- Mr. Laxman V. Madgundi, Representative of Court Receiver

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 10, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 10.05.2024.
3. Heard Mr. Mahadik, learned Advocate for Petitioners; Mr. Yadav, learned Advocate for Respondent No. 1; Mr. Shah, learned Advocate for Intervenors and Mr. Madgundi, representative of the Court Receiver.
4. Pursuant to the order dated 05.02.2024 passed by this Court, Court Receiver has filed a comprehensive Report bearing No. 7/2024. Copy of the same has been circulated to all the parties.

5. It is seen that as on date an amount of Rs. 8,23,400/- is the total outstanding amount due and payable to the Court Receiver in respect of royalty amount which was decided by this Court.

6. Mr. Shah, learned Advocate for Intervenors who are Defendant Nos. 2 to 8 in the Suit would contend that the said Intervenors in the present Petition shall undertake to deposit the outstanding amount of Rs. 8,23,400/- as stated in the Minutes of Order dated 10.05.2024. The Minutes of Order are taken on record and marked "X" for identification. For the purpose of convenience, the said Minutes of Order signed by the learned Advocate for Intervenors are scanned and reproduced below for the benefit of the parties.



7. The obligations stated in the Minutes of Order are taken as an undertaking given to this Court.
8. Needless to state that all rights and contentions for depositing the amount as per the Minutes of Order shall be scrupulously followed without seeking any extension. In the event of any default, Court Receiver shall immediately apply to this Court and seek an order in respect of Court Receiver Report No. 7/2024.
9. Needless to state that deposit of the amount by the Intervenors as stated above is strictly without prejudice to the rights and contentions of the parties as also the parties who are depositing the said amount as it is seen by this Court that the deposit is made in order to ensure preservation, protection and augmentation of the suit property (shop premises) and it is in the interest of all parties. The Petition stands disposed. Liberty to apply in case of default to affected parties, Petitioners and the Court Receiver.
10. Praecipe stands disposed of in the above terms.
11. Writ Petition No. 1771 of 2024 is disposed in above terms.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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Date:
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