

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

**INTERIM APPLICATION NO.11980 OF 2024
WITH
INTERIM APPLICATION NO. 11978 OF 2024
IN
APPEAL FROM ORDER NO. 912 OF 2022**

Ubaidullah Zaffarulla Khan

.... Applicant/
Respondent No.2

In the matter between :-

Mr. Shaik Salim Khawaja

.... Appellant

v/s.

Patel Idris Ismail and ors.

.... Respondents

Mr. Amogh Singh a/w. Mr. Rahul Arora and Mr. Abhishek Upadhyay
i/b. Mr. Manoj Upadhyay for the Applicant/Respondent No.2.
Mr. Sunny Udasi i/b. AAK Legal for Respondent No.3.

CORAM : SHYAM C. CHANDAK, J.

DATED : 03rd SEPTEMBER, 2024

P.C. :-

. Heard Mr. Amogh Singh, learned Advocate for the Applicant/Respondent No.2 and Mr. Sunny Udasi for Respondent No.3. Perused the Applications.

2) The Interim Application No.11980/2024 seeks extension of time for six weeks to deposit/pay the amount to Respondent No.3, as the Applicant/Respondent No.2 could not pay the entire amount as per the Order passed by this Court on 21st December, 2023 in the aforesaid Appeal from Order.

3) The Interim Application No.11978/2024 seeks to direct the Respondent No.3 to accept the balance amount.

4) Learned Advocate for the Respondent No.2 submits that, due to

compelling reasons, the Respondent No.2 could not pay the entire relevant amount in time as directed in the aforesaid Order dated 21st December, 2023. Today, the Respondent No.2 is having the necessary demand draft drawn in favour of Respondent No.3 for sum of Rs.41,70,000/-. Further, the learned Advocate for Respondent No.2 submits that, the Respondent No.2 is ready to pay necessary interest towards the delay in payment of the balance amount. Learned Advocate for Respondent No.3 states that, Respondent No.3-Bank is ready to accept the Demand Draft. However, the Respondent No.2 may be directed to pay the interest at the earliest.

5) In view of the aforesaid submissions by the learned Advocate for the respective parties, both Interim Applications deserve to be allowed, accordingly. Hence, the following order :-

- ORDER -

- (i) The Interim Application Nos.11980/2024 and 11978/2024 are allowed.
- (ii) Time to deposit the balance amount of Rs.41,70,000/- is extended till 10th September, 2024.
- (iii) The Respondent No.3-Bank shall calculate the interest towards the delayed payment of the balance amount till the date of receipt of the balance amount.
- (iv) The interest so calculated shall be informed to the Applicant/Respondent No.2 on or before 06th September, 2024.
- (v) The Applicant/Respondent No.2 shall deposit the interest amount on or before 10th September, 2024.

6) Interim Application Nos.11980/2024 and 11978/2024 stand disposed off in aforesaid terms.

(SHYAM C. CHANDAK, J.)

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