

Ajay

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

WRIT PETITION NO. 9899 OF 2019

Bhaskaran Neelakanta Pillai @ B.N. J. Pillai .. Petitioner
Versus
Kinyath Shivadasan and Anr. .. Respondents

-
- Mr. B.N. Pillai, Petitioner in-person.
 - Mr. S.D. Rayrikar, AGP for Respondent No.2 – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 05, 2024.

P.C.:

- 1.** Heard Mr. Pillai, Petitioner in-person and Mr. Rayrikar, learned AGP for Respondent No.2 – State.
- 2.** The present Writ Petition takes exception to the order dated 23.10.2023 passed by the learned Ad-hoc District Judge-1, Kalyan in an Application filed by Respondent No.1 seeking refund of amount and for grant of status-quo ante under Sections 141, 144 read with 151 of the Code of Civil Procedure, 1908.
- 3.** The facts of the present case are extremely serious. They are delineated in paragraph Nos.2 to 4 of the impugned judgment. The findings returned in paragraph Nos.5 and 6 are also extremely serious.
- 4.** Mr. Pillai, a practicing Advocate who is predominantly practicing in Kalyan Court is appearing in-person to challenge the

impugned judgment. At the outset, he would submit that on a direction / order passed by this Court (Coram: N.J. Jamadar, J.) on the previous date / occasion the Petitioner has deposited an amount of Rs.80,722/- by cheque in the District Court at Kalyan. He would submit that the said cheque was issued in February, 2019 and only after its clearance the receipt dated 13.11.2019 has been issued to him.

5. Mr. Pillai is directed to place on record the copy of order under which he was directed by the Court to deposit the amount of Rs.80,722/- in the District Court. Today he does not have the Copy. On perusal of the orders passed by this Court earlier, such an order does not exist in the record of the Court.

6. Stand over to **01st March, 2024.**

[MILIND N. JADHAV, J.]

Ajay