

kps

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1964 OF 2010
IN
SUIT NO.1965 OF 2010

Jasmine S. Shah. ..Plaintiff
-Versus-
Mallika M. Jhaveri and others. ..Defendants

.....
Ms.Preeti Gada i/b Sudhir Shah & Associates, for the Plaintiff.
Mr.R.A.Shaikh, for the Defendant No.1.

.....
CORAM : S.C.DHARMADHIKARI, J.
DATE : 20th December, 2010.

P.C.

1 The matter is mentioned in Chambers because time to comply with the order dated 07.12.2010 expires on 21.12.2010 (tomorrow).

2 Mr.Shaikh, learned counsel appearing on behalf of the Defendant No.1, submits that this praecipe has been moved urgently seeking clarification of the order passed on 07.12.2010 and particularly with regard to the directions in paragraph No.5 thereof.

3 In his submission, if the Fixed Deposit Receipts at Sr.Nos.19 to 21 and 23 to 25 are encashed and the amount is deposited on that basis, the tax liability that would be incurred by both the Plaintiff and the Defendant No.1 would be huge. The Fixed Deposits are earmarked for purchase of immovable property and that is why the capital gain tax would be required to be paid if these receipts are prematurely encashed.

4 Having perused the order passed on 07.12.2010 with the assistance of the learned counsel appearing for the parties and in the light

of the Fixed Deposit Receipts particularly set out at page Nos.75 to 78 of the affidavit dated 07.12.2010 of the Defendant No.1; I am satisfied that there is no ambiguity or clerical error in the order dated 07.12.2010 which requires clarification. The application is dismissed.

(S.C. Dharmadhikari, J)