

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NOS.13-14 OF 2016

IN

CIVIL APPEAL NO(S) .6390-6391 OF 2012

DHIRAJLAL @ DHIRUBHAI BABARIA & ANR Appellant(s)

VERSUS

NAVINBHAI C DAVE & ANR Respondent(s)

O R D E R

I.A. Nos. 13-14/2016 are filed by the applicant-respondent no.2 for clarification of this Court's order dated 04.03.2016 and for directions to the Prothonotary and Senior Master, High Court, Bombay, to take on file the unconditional and irrevocable bank guarantee in the sum of INR 25,00,00,000/- by way of security in Suit No. 536 of 2011.

The applicants-respondents were directed to furnish a bank guarantee for the aforesaid amount from a nationalised bank in favour of the appellant vide

this Court's order dated 30.07.2015.

Having regard to the rival legal submissions and in the facts and circumstances of the case, we modify this Court's order dated 09.09.2015 and 04.03.2016, permitting the applicants-respondents to furnish the bank guarantee to the appellants within three weeks from today and the appellants shall be entitled to invoke the bank guarantee only in terms of the decree, if it is passed in their favour in the pending suit/case between the parties.

Accordingly, I.A. Nos.13 and 14 are disposed of.

.....J.
(V. GOPALA GOWDA)

.....J.
(ARUN MISHRA)

NEW DELHI,
MAY 09, 2016

ITEM NO.7

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. 13-14/2016 in Civil Appeal No(s). 6390-6391/2012

DHIRAJLAL @ DHIRUBHAI BABARIA & ANR

Appellant(s)

VERSUS

NAVINBHAI C DAVE & ANR

Respondent(s)

(for directions/clarification of court's order dated 04.03.2016 and office report)

Date : 09/05/2016 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr. Harish Salve, Sr. Adv.
Mr. Jayant Bhushan, Sr. Adv.
Mr. Abhishek Sharma, Adv.
Mr. Sunil Fernandes, Adv.

For Respondent(s)

Mr. Jayant K. Mehta, Adv.
Mr. Anush Raajan V., Adv.
Mr. Vivek A. Vashi, Adv.

Ms. Liz Mathew, Adv.
Mr. M.F. Philip, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. Nos.13-14/2016 are disposed of in terms of the signed order.

(VINOD KUMAR JHA)

COURT MASTER

(Signed order is placed on the file)

(MALA KUMARI SHARMA)

COURT MASTER