

SECTION-IX  
IN THE SUPREME COURT OF INDIA LISTED ON:  
CIVIL APPELLATE JURISDICTION COURT NO:  
ITEM NO:

INTERLOCUTORY APPLICATION NOS.9-10 OF 2016

(Application on behalf of the appellants seeking clarification of the order dated 30.07.2015  
passed by this Hon'ble Court)

IN

CIVIL APPEAL NOS. 6390-6391 OF 2012

DHIRAJI @ DHIRUBHAI BABARIA & ANR.

...APPELLANTS

-VERSUS-

NAVINBHAI C DAVE & ANR.

...RESPONDENTS

OFFICE REPORT

It is submitted that the instant Civil Appeals were disposed of by this Hon'ble Court on 30.07.2015 (Copy of order dated 30.07.2015 is included at page nos. 11 to 13 in Interlocutory Application paper books).

It is further submitted that Interlocutory Application nos. 5-6 of 2015 (Application for modification of Court's Order dated 30.07.2015) filed by Mr. Vivek A Vashi, Advocate for Respondent No. 2 in the matter above-mentioned was mentioned before the Hon'ble Court on 09<sup>th</sup> September, 2015, when the Court was pleased to pass the following Order :

**"Taken on Board.**

**Heard learned Senior Counsel appearing for the parties and perused the interlocutory applications filed for modification of this Court's order dated 30.07.2015 in Civil Appeal Nos.6390-6391 of 2012.**

**In the facts of the case, we modify our order dated 30.07.2015 to the extent that in case the appellants succeed in the suit pending before the High Court, the Bank Guarantee shall be invoked.**

**We also extend the time for handing over Bank Guarantee by six weeks from today.**

**With the aforesaid modification, these interlocutory applications stand disposed of."**

It is further submitted that Interlocutory Application nos. 7-8 of 2015 (Application for modification of Court's Order dated 09.09.2015) also filed by Mr. Vivek A Vashi, Advocate for Respondent No. 2 in the matter above-mentioned was

listed before the Hon'ble Court on 16<sup>th</sup> December, 2015, when the Court was pleased to pass the following Order :

"We have heard learned Senior Counsel appearing for the parties and perused the interlocutory applications filed for modification of this Court's order dated 09.09.2015 in Civil Appeal Nos.6390-6391 of 2012.

Although the time was extended twice but keeping in view the huge amount of Bank Guarantee and after hearing the learned Senior Counsel appearing for the parties, we finally extend the time for handing over Bank Guarantee by 31st December, 2015.

With the aforesaid direction, these interlocutory applications stand disposed of."

It is further submitted that Mr. Sunil Fernandes, Advocate for the appellants has filed application on behalf of the appellants seeking clarification of the order dated 30.07.2015 and the same have been registered as Interlocutory Application Nos. 9-10 of 2016 and placed with appeal paper books.

It is lastly submitted that the original appeal paper books have been weeded out after due preservation as per Rules. However, counsel has filed fresh appeal paper books.

The Interlocutory applications above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 1<sup>st</sup> day of February, 2016.

ASSISTANT REGISTRAR

Copy to:-

- 1 Mr. Sunil Fernandes, Advocate
- 2 Mr. Vivek A Vashi, Advocate
- 3 Mr. Liz Mathew, Advocate

ASSISTANT REGISTRAR

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