

ITEM NO.29

COURT NO.8

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

Petition(s) for Special Leave to Appeal (Civil) No(s).9240/2012

(From the judgement and order dated 16/11/2011 in EA No.258/2010,CS No.1025/2010 of The HIGH COURT OF BOMBAY)

SHAHID RAFI DIR.M/S RAFINI F (P) LD.&ANR

Petitioner(s)

VERSUS

M/S SOMANI SALES CORP.& ANR.

Respondent(s)

(With appln(s) for deletion of respondents and permission to bring additional facts and documents and with prayer for interim relief)

Date: 30/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Satyajit A Desai, Adv.
 Mr. Vipul Ganda, Adv.
 Ms. Anagha S.Desai,Adv.

For Respondent(s)

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

Mr. Satyajit A.Desai, learned counsel for the petitioners submits that the petitioners are desirous of making payment of the award amount but they are not in a financial position to deposit the entire amount under the award immediately. He submits that if some

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time is granted, the petitioners would deposit such of the amount as may be directed by this Court.

Having regard to the fact that the petitioners are liable to pay principal sum of Rs. 11,19,140/- and a sum of Rs. 8,95,858/- towards interest till June 20 2009 and further interest till date, we are of the view that the petitioners must deposit a sum of Rs.10,00,000/- (Rs. Ten lakhs) with the Bombay High

Court within six weeks from today.

If the petitioners submit a proof in this regard in the Registry within the above period, Registry shall issue notice to respondent No. 1 returnable in eight weeks from the date of issuance of notice.

I.A. No. 2 for deletion of name of respondent No.2 from the array of parties is granted.

Amended cause-title shall be filed within two weeks from today.

It is made clear that if the petitioners commit default in compliance of the above direction, Special Leave Petition shall stand dismissed without further reference to the Court.

For a period of six weeks, warrant of sale shall remain stayed. In case the proof of above deposit is

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submitted, the stay order shall remain operative until the next date of hearing.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master