

ITEM NO.203

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30440/2008

(From the judgement and order dated 27/11/2008 in AN No. 338/2008 in NOM No. 2199/2007 in SN No. 1610/2007 of The HIGH COURT OF BOMBAY)

PRAVEEN MALHOTRA

Petitioner(s)

VERSUS

KAMAL KUMARI MALHOTRA & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date: 21/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Mahabir Singh, Sr. Adv.
Mr. Rakesh Dahiya, Adv.
Mr. Nikhil Jain, Adv.
Mr. Gagan Deep Sharma, Adv.

For Respondent(s) Mr. Shyam Divan, Sr.Adv.
Mr. Gaurav Goel,Adv.

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

This petition is directed against the order of the Division Bench of the High Court whereby the appeal filed by the respondents against order dated 13.6.2008 passed by the learned Single Judge in Notice of Motion No.2199 of 2007 in Suit No.1610 of 2007 was partly allowed and the petitioner was directed to deposit total Rs.60,00,000/- being 50% of the minimum

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price of the property.

We have heard learned senior counsel appearing for the parties at some length and carefully perused the order of the learned Single Judge as also the one impugned in this petition.

In our view, the reasons recorded by the Division Bench of the High Court for modifying the order of the learned Single Judge are legally correct and the direction given to the petitioner herein to deposit Rs.60,00,000/- does not call for interference by this Court under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

However, keeping in view the fact that the petitioner has already deposited Rs.28 lacs pursuant to the direction given by the learned Single Judge of the High Court, we allow him three months' time to deposit Rs.32,00,000/- with the Prothonotary and Senior

Master/Registrar, Original Side of the Bombay High
Court, who shall invest the amount in a fixed deposit of
a nationalized bank.

It is needless to say that the observations
made by the learned Single Judge and the Division Bench
of the High Court on the merits of the case, shall not
influence final adjudication of the suit.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master