

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 643 OF 2014
IN
CIVIL REVISION APPLICATION NO. 676 OF 2013

M/s. Beejay Enterprises .. Applicants
In the matter of
Mahanagar Telephone Nigam Limited ..Applicants
(Org. Defendants)
vs.
M/s. Beejay Enterprises .. Respondents
(Org. Plaintiffs)

Mr. K.R. Parekh for the Applicant.
Mr. Gautam Ankhad a/w. Mr. Viral Shukla a/w. Ms Priti Patel i/b
Shukla & Associates for Respondent a/w. Mr. Sunil Bhosale for
MTNL.

CORAM : M. S. SONAK, J.

DATE : 10 JUNE 2015.

P.C. :-

1] This court by its order dated 6 August 2014 granted interim relief in terms of prayer clause (b), subject to the applicants depositing the decretal amount. Liberty was granted to the respondents to take out appropriate application for withdrawal of the amount, if deposited, which was to be decided on its own merits.

2] In pursuance of the order dated 6 August 2014, the respondents have deposited amount of Rs.61,40,640/-. The applicants-respondents in the Civil Revision Application, seeks to withdraw such amount pending the hearing and final disposal of Civil Revision Application.

3] The Trial Court as well as Appellate Court has ruled in favour of the respondents-applicants. In such circumstances, it would be appropriate if the respondents-applicants are permitted to withdraw the sum of Rs.61,40,640/- alongwith interest, if any, that may have accrued thereon, which is lying deposited in this Court, subject to the applicants in this application furnishing bank guarantee of a Nationalised Bank upon usual terms and to the satisfaction of the Registrar of this Court to the effect that the amounts so withdrawn will be remitted to this Court, in case the occasion for the same arises depending upon the final outcome of the Civil Revision Application.

4] Accordingly, the Civil Application is made absolute in terms of prayer clause (a), subject to the applicants herein furnishing bank guarantee of Nationalised Bank in terms of the aforesaid. In addition to the bank guarantee, the applicants to also submit usual undertaking in the Registry of this Court. All this exercise be completed within a period of four weeks from today.

5] Accordingly, Civil Application is disposed of.

(M. S. SONAK, J.)

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