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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO.4320 OF 2014**  
**IN**  
**FIRST APPEAL NO.1494 OF 2014**

|                             |                |
|-----------------------------|----------------|
| TPG Capital India Pvt. Ltd. | ... Applicant  |
| Versus                      |                |
| Vivek Chopra                | ... Respondent |

Mr. Rajesh Patil i/by Hiren Mehta, for the Applicant.  
Mr. Kalpesh Joshi, for the Respondent.

**CORAM : A.S. OKA &  
REVATI MOHITE DERE, JJ.**

**DATE : 14<sup>th</sup> JULY, 2015**

**PC.**

. The learned counsel appearing for the Applicant has tendered on record a photocopy of the receipt issued by the City Civil Court showing that decretal amount of Rs.60,76,782/- has been deposited by the Applicant on 9<sup>th</sup> June, 2015. Hence, compliance is made with the ad-interim order dated 5<sup>th</sup> May, 2015.

2. The learned counsel appearing for the Respondent – Original Plaintiff seeks permission to withdraw the decretal amount. The said prayer is opposed by the learned counsel appearing for the Applicant.

3. The suit filed before the trial Court arises out of a commercial transaction. Therefore, if the Respondent – Original Plaintiff is in position to furnish a bank guarantee of a nationalised bank for the entire decretal amount as well as the interest which will accrue on the decretal amount, permission can be granted to the Respondent to withdraw the amount as the entire amount will be secured by a bank guarantee. Hence, we dispose of the Application by passing the following order :-

**ORDER**

- (i) Rule is made absolute in terms of prayer clause (a);
- (ii) It will be open for the Respondent to withdraw the decretal amount on furnishing bank guarantee of any Nationalised Bank to cover the decretal amount as well as interest on the decretal amount for a period of 10 years. The bank guarantee shall be to the satisfaction of the learned trial Judge. Before accepting the bank guarantee, an opportunity of being heard shall be granted to the Applicant;
- (iii) Civil Application is disposed of on above terms.

( REVATI MOHITE DERE, J )

(A.S. OKA, J )