

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.634 OF 2008

Ashok C. Morbia of M/s Stitch Apparels ... Petitioner
Versus
Mainuddin J.D. Abbasali And Others ... Respondents

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Jayesh Desai i/b Desai & Desai Associates for the Petitioner.
None for the Respondents.

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CORAM : S.C.GUPTE, J.

DATE : 15 APRIL 2016.

P.C. :

. None appears for the Respondents. Even on the last two occasions, none had appeared on behalf of the Respondents.

2 The learned Counsel appearing for the Petitioner informs the Court that out of sixteen Respondents, fifteen have already settled disputes with the Petitioner. Learned Counsel further submits that even the lone surviving Respondent, namely, Respondent No.6 is, according to his Advocate, agreeable to receive the amount in the same terms as the others, but that he is absent today. Since nobody appeared for the contesting Respondent on the last few occasions (atleast five of them), this Petition is disposed of by directing the Petitioner to deposit a sum of Rs.40,000/- (Rs.Forty Thousand Only), which is commensurate with what was paid to the others in Full and Final Settlement, with the Prothonotary

& Senior Master of this Court. Respondent No.1 shall be at liberty to withdraw this amount after making an appropriate application to the Prothonotary & Senior Master. The Petition is disposed of accordingly.

3 The amount paid by the Petitioner towards the dues of Respondent No.6, shall be invested by the Prothonotary & Senior Master initially for a period of six months, to be renewed from time to time until filing of an application for withdrawal of the amount by Respondent No.6 or further orders that may be passed by this Court, whichever is earlier.

(S.C.GUPTE, J.)