

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

**NOTICE OF MOTION NO.495 OF 2016
IN
CONTEMPT PETITION NO.131 OF 2010
IN
NOTICE OF MOTION NO.1519 OF 2009
IN
SUIT NO.1009 OF 2009**

Mrs. Asha G. Tayade & Anr.Applicants/Org. Defendants

IN THE MATTER BETWEEN :

V.T. Entertainment LimitedPlaintiff

Vs.

Mrs. Asha G. Tayade & Anr.Defendants

None for the plaintiff.

Mr. Mahesh R. Joshi for the applicants/defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 15th DECEMBER, 2016

P.C.

1 During the hearing of the contempt petition against the applicants this court had directed the applicants to deposit a sum of Rs.1 lakh which the applicants had deposited with the Prothonotary and Senior Master, High Court, Bombay. By an order dated 18th December, 2014 the contempt petition was dismissed.

2 This application is taken out by the applicants for return of Rs.1 lakh deposited since the contempt petition has been dismissed. The applicants have filed affidavit of service of one Gulabchand Tayade

affirmed on 21st April, 2016 confirming service of copy of the notice of motion. The counsel for the applicants also states that by a letter dated 11th August, 2016 the applicants have served the notice of motion upon the plaintiff's advocate and the same has been received some time in the end of August, 2016.

3 The plaintiff is not present today nor have they filed any affidavit opposing the notice of motion.

4 Therefore, the notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a) and (b) which read as under :

“(a) This Hon'ble Court be pleased to hold that applicants are entitled to get refund of the amount of Rs.1 lakh deposited by them in this Hon'ble Court alongwith accrued interest thereon;

(b) Further the office be directed to refund the said amount of Rs.1 lakh together with accrued interest thereon to the applicants.”

(K.R. SHRIRAM, J.)