

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1073 OF 2016**

SUIT NO.1016 OF 2012

P.S.Chamankar Property Developers Pvt. Ltd.	...	Plaintiff
versus		
Jyoti Nagar Co-op. Housing Society Ltd. and Ors.	...	Defendants
and		
Jyoti Nagar Co-op. Housing Society Ltd. and Ors.	...	Applicants.

Mr. Raja S. Ghadge, for Defendants.
Mr. Ashok M. Jadhav, for Defendant No.4.
Ms. Jyotsana S. Kondhalkar i/by M/s. Vigil Juris, for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 25th APRIL, 2016

P.C.:

1. The Applicants/original Defendants have taken out the above Notice of Motion for the following relief :

“(a) that this Hon’ble Court be pleased to permit the Applicants/Defendants to withdraw the interest amount of Rs.11,05,736/- accrued on the amount of Rs.34,89,000/- which was earlier deposited by the Applicants and subsequently withdrawn in pursuance of the order dated 5th October, 2015 passed by this Hon’ble Court in Review Petition No.66 of 2015”;

2. The learned Advocate for the Original Plaintiff states that they have no objection if the relief as claimed is allowed. In view thereof, the Notice of Motion is allowed in terms of prayer clause (a), which is reproduced above. On behalf of the Applicants/Defendants, it is undertaken that if for any reason the Applicants/Defendants are called upon to bring back the amount, which is allowed to be withdrawn, they shall forthwith comply with the order of the Court. The undertaking is accepted.

3. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA,J.)