

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 90 OF 2013

IN

SUIT NO. 435 OF 1980

Madhu Fantasy Land Private Ltd. & Ors. ... Applicants

IN THE MATTER BETWEEN :

Madhu Fantasy Land Private Ltd. & Ors. ... Plaintiffs

Versus

Maki Homi Chibber and Ors. ... Defendants

Ms. Radha Bhandari i/b. M.V. Kini and Company for the Applicants / Plaintiffs.
Mr. N.A. Sawhney i/b. H. Doctor and Company for Defendant No. 1.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH JANUARY, 2016

P.C.

1. The above Notice of Motion is taken out by the Applicants / Plaintiffs for the following relief :

“(a) That this Hon'ble Court may be pleased to allow the Plaintiffs to withdraw the decretal amount of Rs.1,83,879/- with accrued interest pursuant to the order dated 25th April, 2007 passed by this Hon'ble Court, deposited by the Defendant No. 1 on 14th July, 2007 with the learned Prothonotary and Senior Master and the cheque may be issued in the name of Mrs. Bilquees Begum, the Plaintiff No. 2 abovenamed”.

2. The Defendant No. 1 has given their consent dated 28th February, 2011 to allow the Plaintiffs to withdraw the said amount. The Advocate for the Plaintiffs has tendered a copy of the letter addressed to the Prothonotary and Senior Master,

wherein Plaintiff Nos. 1 and 3 have given their consent for the cheque being issued in favour of Plaintiff No. 2 – Bilquees Begum. The same is taken on record and marked 'X' for identification. The Notice of Motion is therefore allowed in terms of prayer Clause (a) above.

3. The Notice of Motion is accordingly disposed off.

(S.J.KATHAWALLA, J.)