

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 223 OF 2017
IN
CIVIL REVISION APPLICATION NO. 751 OF 2009

M/s Abis Construction

...Applicant/
Ori Respondent

Versus

Hindustan Petroleum Corporation Ltd

...Respondent/
Ori Petitioner

**Mr Akash Rebello, a/w Mr Mahesh Mishra, i/b Ravi Thankaian, for
the Applicant/Ori Respondent.**

**Ms Pallavi Dabholkar, i/b GS Godbole, for the Respondent/Ori
Petitioner.**

CORAM: G.S. PATEL, J
DATED: 27th November 2017

PC:-

1. Heard.

2. The principal dispute, Civil Revision Application No.751 of 2009, was disposed of by Consent Terms dated 19th October 2016. The original Respondent was a concern named Abis Construction, constituted as a partnership firm of Akhtar Hasan Rizvi and his son Abis Rizvi. The Consent Terms provided *inter alia* that the firm would

be entitled to withdraw an amount of Rs.28,00,000/- deposited by the original Petitioner in this Court.

3. Unfortunately Abis Rizvi was killed in a terrorist attack in Istanbul and the partnership could not therefore be constituted or, if constituted, could not be brought on record for these purposes.

4. The present application is to enable Akhtar Hasan Rizvi to be allowed to withdraw the amount of Rs.28,00,000/-.

5. The cause title continues to show the deceased Abis Rizvi; hence this application. Having regard to this, Akhtar Rizvi, the person mentioned in paragraphs nos.10 and 11 and who has filed the further Affidavit dated 18th September 2017, which is tendered and taken on record, is permitted to withdraw the amount of Rs.28,00,000/- with all accrued interest if any.

6. The remaining amount of the deposit will be allowed to be withdrawn by the Respondent with accrued interest.

7. Registry will act on an authenticated copy of the order.

(G. S. PATEL, J.)