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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2548 OF 2016
IN
WRIT PETITION NO.6130 OF 2015

Bank of India

..Applicant.

In the matter between
Networth Stork Broking Ltd. Vs. Bank of India

Mr. O.A. Das for Applicant.

CORAM: R.M. BORDE AND
A.S. GADKARI, JJ.

DATE: 18 JANUARY 2017.

P.C.:

1 The learned counsel for the applicant submits that the respondent is duly served and the affidavit of service to that effect has already been filed.

2 By this application, Creditor-Bank is seeking withdrawal of the amount deposited by the respondent in this Court in pursuance of the directions given by this Court in Writ Petition No.6130 of 2015.

3 It is informed that a sum of Rs.40,65,000/- has been deposited in this Court, whereas a sum of Rs.30,00,000/- has been deposited in the Debt Recovery Appellate Tribunal in pursuance of Order dated 1.7.2014 issued by the Appellate Tribunal. The appeal presented by the respondent-borrower before the Debt Recovery Appellate Tribunal has been dismissed, so also the Writ Petition challenging the Order of dismissal has been dismissed by this Court. The Special Leave Petition challenging the Order passed by the High Court is also stated to have been dismissed.

4 In view of the above, we find no difficulty in permitting the applicant-Bank to withdraw the amount deposited by the respondent-debtor in this Court as well as before the Debt Recovery Appellate Tribunal.

5 The Civil Application is allowed. The applicant is permitted to withdraw the amount of Rs.30,00,000/- deposited before the Debt Recovery Appellate Tribunal as well as Rs.40,65,000/- deposited in this Court unconditionally together with interest accrued thereon, if any.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)