

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 417 OF 2017
IN
CIVIL REVISION APPLICATION NO. 908 OF 2013
AND
CIVIL APPLICATION NO. 418 OF 2017
IN
CIVIL REVISION APPLICATION NO. 44 OF 2014

Thomas Cook (India) Ltd	...Applicant
<i>Versus</i>	
State Bank of Bikaner & Jaipur	...Respondent

Ms Priyanka Fadia, *with Shashank Fadia, for the Applicant.*
Mr Padma Garud, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 30th November 2017

PC:-

1. Heard.

2. The civil applications were, in my view, actually completely unnecessary. There is an order of 30th September 2014 permitting the Respondents to withdraw 50% of the amount deposited in this Court without furnishing security. It seems that since that amount

was invested, as a matter of prudence and to avoid loss, Mr Justice Sawant on 24th April 2017 directed that the deposits should be allowed to run to maturity and thereafter the Applicants would be at liberty to apply for this withdrawal. That is the entirety of the background to these civil applications.

3. The investments have run to term. There is no impediment to the grant of relief. Indeed, having regard to the terms of the 30th September 2014 order, one that has attained finality, that relief must now be granted.

4. The civil applications are made absolute in terms of prayer clauses (a) and (b).

5. Registry will act on an authenticated copy of this order.

(G. S. PATEL, J)