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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4762 OF 2016

IN

FIRAST APPEAL NO. 1659 OF 2016

IN

S.C. SUIT NO. 8043 OF 1994

Standard Chartered Bank

... Appellant

Versus

Metaoxide Privatge Limited and Ors.

... Respondents

Mr. Prasad Dhakephalkar, Sr. counsel a/w Mr. Atharv Dandekar,
Tushar Kadam, Jay Vakil i/by MDP & Partners for the appellant.

Mr. Yusuf Iqbal Yusuf a/w Mr. Neville Majra, Ms. Shaista Pathan,
Mrs. Anvee Mehta, Ms. Ambrin Khan i/by V & A Legal for R. No. 1.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : FEBRUARY 01, 2017.

P.C.

Heard learned counsel for the parties.

2. On due consideration, the Civil Application is disposed of by confirming the ad interim order passed on 7.12.2016. The same shall remain operative till final disposal of the appeal.

3. At this stage, the learned counsel for the respondent no.1 submits that in pursuance of the impugned decree, respondent no. 1/plaintiff had deposited Rs.2,85,00,000/- before the trial court for getting the decree executed. He submits that final hearing of the

appeal may take time and in the circumstances, respondent no. 1 be allowed to withdraw the said amount subject to keeping all contentions open and that may not prejudice the rights and interest of the respondent no. 1/plaintiff while deciding the appeal finally.

4. Learned counsel for the appellant/defendant no. 4 submits that he has no objection if the prayer is allowed and the respondent no.1 is allowed to withdraw the amount. He submits that the withdrawal of the amount will not be made a ground to deny the relief claimed in the suit. The appellant shall not create any third party interest in the property in question.

5. Civil Application stands disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)