

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 883 OF 2017**

Penta Cans	...Applicant
<i>Versus</i>	
Stella Cans (India) Pvt Ltd	...Respondent

**WITH
CHAMBER SUMMONS NO. 863 OF 2017**

Speciality Cans (India) Pvt Ltd	...Applicant
<i>Versus</i>	
Stella Industries Pvt Ltd	...Respondent

**Mr Sushant Yadav, i/b K Ashar & Co., for the Applicant.
Ms Sapna Malhotra, Sr VP of Respondent Company Present.**

**CORAM: G.S. PATEL, J
DATED: 13th December 2017**

PC:-

1. An affidavit of service is tendered and taken on file. The Chamber Summonses seek an order permitting the original Plaintiff to withdraw an amount of Rs.2,35,000/- deposited in two Summary Suits Nos.1607 of 2001 and 1608 of 2001 together. There can be no opposition.

2. The Chamber Summonses are made absolute in terms of prayer clause (a), subject to the Plaintiffs filing an undertaking to bring back the amounts with accrued interest should the suits fail.
3. The withdrawal will be permitted of the amount of Rs.2,35,000/- along with all accrued interest. The amount withdrawn will be adjusted *pro rata* in the amount of claim in each of the two suits.
4. All concerned will act on an authenticated copy of this order.

(G. S. PATEL, J.)