

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2366 OF 2018
IN
WRIT PETITION NO.4388 OF 2001**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr.Hrishikesh Soni i/b. RMG Law Asso., Advocate for the Applicant. Ms. Vidhi Thaker, Advocate for Respondent No.1. CORAM : R. G. KETKAR, J. DATE : 31/10/2018

P.C.:

1. Heard Mr.Hrishikesh Soni, learned Counsel for the applicant and Ms.Vidhi Thaker, learned Counsel for respondent No.1.
2. This is an application for withdrawal of the amount deposited in this Court together with accrued interest thereon.
3. It is common ground between the parties that the consent terms were filed between Ajay Sharadaprasad Sharma (plaintiff) and Jimmy Darabshaw Adajania and two others on 6.4.2018 in S.C. Suit No.9686/1999. Clause-6 thereof reads thus:
 - “6. Apart from the aforesaid amount, it is further understood and agreed that all the amounts deposited by Defendant No.1 in the Hon'ble High Court in Writ Petition

No.4388 of 2001 filed on the Appellate Side of the Hon'ble High Court alongwith interest accrued thereon will belong to Defendant No.1. The Plaintiff do hereby confirms and has neither any claim nor objection for the Defendant No.1 to withdraw the said amount from the Hon'ble High Court. If any separate letter is required by Defendant No.1, the Plaintiff undertakes to the Hon'ble Court to issue the same within a period of 10 days from the receipt of the request to that effect from the Defendant No.1.”

4. Mr.Soni, therefore, submitted that as per the consent terms, petitioner/defendant No.1 may be permitted to withdraw the amount together with accrued interest if any. In view of clause-6 of the consent terms, extracted hereinabove, Ms.Thaker has no objection for the same.

5. In view thereof, by consent of parties, Civil Application is allowed in terms of prayer clause (a) with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)