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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1743 OF 2017

WITH

**CHAMBER ORDER NO.689 OF 2018 } Not on Board
IN } Taken on Board**

WRIT PETITION (L) NO.2538 OF 2017

EIH Ltd.

The Oberoi Hotels

...Petitioner

vs

Ivan Menezes

...Respondent

.....

Mr. Rajesh Gehani, for the Petitioner.

Mr. Akshay Naik, a/w. Mr. D.D. Naik, i/b. Naik Patil Salvi & Associates,
for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED: JULY 31, 2018

P.C.:

. Learned Counsel for the parties tender Consent Terms signed by the parties and also their respective Advocates. Learned Counsel seek disposal of the petition in terms of the Consent Terms. The Consent Terms are taken on record, marked "X" for identification. The statements and undertakings contained therein are accepted. The petition is disposed of in terms of the Consent Terms. No order as to costs.

2. It is agreed between learned Counsel for the parties that the Consent Terms effectively dispose of the controversy in a companion

petition, namely, Writ Petition (L) No.2538 of 2017. This petition was disposed of for non-compliance with office objections. An application by way of chamber order has been taken out for recall of that order and restoration of the petition on file. Learned Counsel for the Petitioner submits that the petition may be restored on file and disposed of as not pressed. Accordingly, Chamber Order No.689 of 2018 is allowed and the order of rejection is recalled and set aside. Writ Petition (L) No.2538 of 2017 is restored to file and disposed of as not pressed.

3. The Petitioner shall permit the Respondent withdrawal of Rs.15 lakhs from out of the deposited amount of Rs.19,01,512/-. The balance amount should be refunded to the Petitioner along with accrued interest thereon.

Smita
Johnson
Gonsalves

Digitally signed by
Smita Johnson
Gonsalves
Date: 2018.08.02
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(S.C. GUPTE, J.)