

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1479 OF 2017
IN
SUIT NO.651 OF 2013**

Rajnikant H. Rawal and Anr.	...	Applicants
and		
Rodium Reality Ltd.	...	Plaintiff
versus		
Prem Bhavna Co-op. Housing Soc. Ltd.		
and Ors.	...	Defendants

Mr. Tejas Shah, for Plaintiff.
Mr. N.R.Gandhi, for Applicants and Defendant Nos.7(b) and 7(c).
Mr. Mayur Faria, for Defendant No.7(a).

CORAM: S.J. KATHAWALLA, J.

DATE: 6th FEBRUARY, 2018

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. Perused the Notice of Motion and the Affidavit in support thereto. For reasons set out in the Affidavit in support of the Notice of Motion and by consent of the parties who are present before the Court and are only the parties who are concerned with the reliefs in the above Notice of Motion, the Notice of Motion is allowed in terms of prayer clauses (a) and (b) which are reproduced hereunder :

“(a) that the Applicants (Defendant Nos.7(b) and 7(c) be permitted to withdraw their respective 1/3rd share in the total amounts presently deposited by the Plaintiff in this Hon’ble Court on 15th

February, 2017 in terms of the Minutes of the Order dated 13th December, 2013 passed in Plaintiff's Notice of Motion No.1383 of 2013 in the above Suit;

(b) that the Applicants be permitted to withdraw their respective 1/3rd share in the amounts that may be deposited by the Plaintiffs in this Hon'ble Court after 15th February, 2017 pursuant to the said Minutes of the Order dated 13th December, 2013;”

2. The above Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)