

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

Dhanappa
I. Koshti

Digitally signed by
Dhanappa I. Koshti
Date: 2019.08.14
14:00:40 +0530

**NOTICE OF MOTION NO. 203 OF 2018
IN
SUIT NO. 89 OF 2014**

Sarfaraz Iqbal Masoorkar	...Applicant
In the matter between	
EIH Limited	...Plaintiff
VS	
Ravinder Shrichand Nath & Ors.	...Defendants

.....

None for the applicant

Dr Birendra Saraf, a/w Mr Peshawar Jehangir and Mr A. Basarkad I/b
Khaitan & Co. for the Plaintiff.

Mr B.D.Behl a/w Ms Seema M. Pawar for defendant Nos.1 to 9 and 11
to 17.

.....

**CORAM : B. P. COLABAWALLA, J.
AUGUST 13, 2019.**

P.C. :

This Notice of Motion has been filed by the applicant (a member of the original defendant No.19-union) seeking a direction from this Court to permit the applicant herein at Sr. Nos.186, 187 from the list annexed to the plaint to withdraw the amount of Rs.1,62,928/-, being the amount due to him from the year October 1992 to February 2005. This prayer is sought without prejudice to his rights that the entire amount from July 1988 till the date of deposit is due and payable to him.

2 Dr. Saraf, the learned advocate appearing on behalf of the plaintiff has fairly stated that the plaintiff has no objection if this Notice of Motion is allowed in terms of prayer clause (i).

3 In view of the aforesaid fair stand taken on behalf of the plaintiff, the Notice of Motion is allowed in terms of prayer clause (i) which reads thus -

“(i) Pending the hearing and final disposal of the present suit this Hon'ble Court be pleased to permit the applicant herein, at Serial No. 186/187 to as per the list annexed to the plaint to withdraw the amount of Rs.1,62,928/-, which is the amount due to him from year October 1992 to February 2005 as shown in Exhibit “A” without prejudice to his right of interest on the entire amount from July 1988 till the date of deposit of said amount in this Hon'ble Court.”

4 The Notice of Motion is disposed of in the aforesaid terms.
No order as to costs.

(B.P.COLABAWALLA, J.)