

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMM. CHAMBER SUMMONS NO.378 OF 2019
AND
COMMERCIAL EXECUTION APPLICATION NO.326 OF 2019**

Crystal CenterApplicant

In the matter between

Crystal CenterApplicant

V/s.

Oshiwara Land Development

Company Pvt. Ltd.Respondent

Ms.Dhawani Bokaria i/b. Purnanand and Company for Applicant.

Mr.Gaurav Mehta with Mr.Prevy Parekh and Mr.Bilawala i/b. M/s.Bilawala
& Co. for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 7th JANUARY 2020

P.C.:

A Pay Order towards the entire decretal amount is handed over by the Advocate for the respondent to the Advocate for the applicant in Court today. As the decree stands satisfied, parties agree that the execution application would not survive and should be disposed of. Execution application is accordingly dismissed as the decree stands satisfied.

2. The pending chamber summons would also not survive. It is disposed of. The interim order passed thereon stands vacated.

3. The learned Counsel for the parties at this stage state that there are criminal proceedings which are initiated by both the parties. On instructions of their clients, they make a statement that the criminal proceedings as initiated by their respective clients would now be

withdrawn by them and appropriate steps in that regard would be taken within two weeks from today. Statement is accepted.

4. Learned Counsel for the judgment debtor would inform that the complainant/Director of the judgment debtor in the criminal proceedings filed on behalf of the respondent is a senior citizen and an application would be made in the criminal proceedings to dispense his presence at the time of withdrawal. Needless to observe that the Director may move necessary application for dispensing his presence, if so permissible, for withdrawal of the proceedings and the Court surely would look into such application.

5. Parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]