

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1 OF 2020

IN

COMMERCIAL EXECUTION APPLICATION NO.565 OF 2019

IN

SUMMONS FOR JUDGMENT NO.9 OF 2018

IN

COMMERCIAL SUMMARY SUIT NO.855 OF 2017

Parasram H.Bhojwani.

...Applicant

In the matter between

Parasram H.Bhojwani.

...Judgment Creditor
(Orig.Plaintiff)

vs.

1.Pravinchand Sehgal

2.Gaurav Sehgal

3.Pooja Sehgal.

...Judgment Debtors
(orig.Defendants)

with

Notice no.151 of 2019

in

COMMERCIAL EXECUTION APPLICATION NO.565 OF 2019

Ms.S.C.Naidu with Aniketh Poojari i/b. C.R.Naidu & Co., for the Plaintiff.

Mr.Haresh Choudhary i/b. Vidhi Partners, for the Defendants.

CORAM : G.S. KULKARNI, J.

DATE : 13 January 2020

PC.:

Heard Mr.Naidu, learned Counsel for the applicant/plaintiff and Mr.Choudhary, learned Counsel for the defendants.

2. Respondent no.1 Pravinchand Sehgal and respondent no.3 Pooja Sehgal are the original defendants and judgment debtors. There is no further purpose to continue Mr.Gaurav Sehgal as a party to the present application as urged on behalf of learned Counsel Mr.Naidu appearing for the judgment creditor, as an

amount of Rs.10,05,083/- is deposited in this Court in pursuance of the order dated 13 September 2019.

3. The present application is filed praying that the Prothonotary and Senior Master of this Court be directed to make payment to the applicant of an amount of Rs.10,05,083/- lying in the credit of account of Commercial Execution Application no.565 of 2018.

4. After this application was heard for some time, learned Advocate for the defendants-judgment debtors would not have any objection for the amount to be paid in favour of the judgment creditor/plaintiff. Accordingly, with the consent of the judgment debtor, the interim application is allowed in terms of prayer clause (a). The Prothonotary and Senior Master of this Court shall take necessary steps within one week from today.

5. Disposed of in the above terms. No costs.

6. Needless to observe that all the other contentions of the judgment debtor are expressly kept open.

Garnishee Application no.151 of 2019

7. In view of the order passed on Interim application no.1 of 2020, this Garnishee Application stands disposed of.

[G.S. KULKARNI, J.]