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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2230 OF 2020
IN
CIVIL APPLICATION NO. 254 OF 2019
IN
CIVIL REVISION APPLICATION NO. 826 OF 2014**

M/s. Radium Garments Pvt. Ltd. ...Applicant

In the matter between :-

M/s. Fab Fashions ... Revision Applicant
(Org. Defendant)

Vs

M/s. Radium Garments Pvt. Ltd. ... Respondent
(Org. Plaintiff)

Mr. Drupad S. Patil a/w Mr.Prasad G. Keluskar for the Applicant in I.A. No.2230 of 2020 & C.A. No.254 of 2019 and for Respondent in CRA/826/2014.

CORAM : A.S.GADKARI, J.

DATE : 8th OCTOBER, 2021

PC. :

1. This is an application for modification of Order dated 21.01.2020 passed in Civil Application No.254 of 2019.

2. Mr. Patil, learned Advocate for Applicant in Civil Application No.254 of 2019 original Respondent submitted that, on 21.01.2021, on

instructions, inadvertently an incorrect statement was made before the Court that, the Revision Applicant had deposited total amount of Rs.7,20,000/- in this Court and in furtherance of Orders passed earlier to this, the Applicant– original Respondent had already withdrawn an amount of Rs.1,50,000/- and an amount of Rs.5,70,000/- was balance in the account, which was sought to be withdrawn by the said Civil Application No.254/2019.

He submitted that, as a matter of fact, the Revision Applicant had deposited a sum of Rs.5,70,000/- in the Registry of this Court and the Applicant–original Respondent had withdrawn a sum of Rs.1,50,000/- and therefore, a sum of Rs.4,20,000/- along with interest accrued thereon is balance in the account of the present case.

3. In view of the statement made by the learned Advocate for the Applicant and for the reasons stated in the application, the application is allowed in terms of prayer clause (a).

After correcting the said figure, as stated in the body of the application and prayer clause (a) of the present application, para No.1 and 3 of the Order dated 21.1.2020 would read as under:-

“1) This is an application by the original respondent seeking permission to withdraw the amounts deposited by the revision

applicant in compliance with the Orders dated 7th September, 2015 and 7th August, 2017 passed by this Court. It is stated that, the revision applicant has deposited a total sum of Rs.5,70,000/- in this Court and in furtherance of Orders passed earlier to this, the applicant herein has already withdrawn sum of Rs.1,50,000/-. That, an amount of Rs.4,20,000/- is prayed to be permitted for withdrawal by the present application.

2)

3) In view of the above and for the reasons stated in the application, the applicants are permitted to withdraw the balance amount of Rs.4,20,000/- along with interest accrued thereon, as per Rules, from the Registry of this Court.”

4. Interim Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)

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