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

**INTERIM APPLICATION NO. 2233 OF 2020
IN
CIVIL APPLICATION NO. 253 OF 2019
IN
CIVIL REVISION APPLICATION NO. 827 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.2233 of 2020 & C.A. No.253 of 2019 and for Respondent in CRA/827/2014.

CORAM : A.S.GADKARI, J.

DATE : 8th OCTOBER, 2021

PC. :

1. In furtherance of Order dated 23rd August, 2021, the Assistant Registrar of this Court has submitted a report.

It is stated that, as a matter of fact, an amount of Rs.5,10,000/- was deposited by the Revision Applicant, out of it Rs.1,50,000/- was earlier withdrawn by the Applicant – original

Respondent. Therefore an amount of Rs.3,60,000/- along with interest accrued thereon, totaling to Rs.4,20,000/-, is remaining as balance in the account of the present suit.

2. Mr. Patil, learned Advocate for the Applicant – original Respondent fairly submitted that, placing reliance on the suit register extract given by the Section Officer, Nazir's Department, High Court, Appellate Side, Bombay, (which is annexed at Page 35 of the present application), he advanced the submission to the effect that, the revision Applicant had deposited an amount of Rs.6,60,000/- in this Court and the Applicant – Original Respondent had already withdrawn a sum of Rs.1,50,000/- keeping the balance of Rs.5,10,000/- therein while arguing C. A. No.253/2019.

3. Now in view of the detailed report submitted by the Assistant Registrar, High Court, Bombay, it is clear that the original Revisional Applicant had deposited a sum of Rs.5,10,000/-, out of which a sum of Rs.1,50,000/- was withdrawn by the Applicant - original Respondent. That there is a balance of Rs.3,60,000/- towards the principal and a total amount of Rs.4,20,000/- including interest accrued on the principal amount is balance in the account of the present case.

4. In view of the above, the Order dated 21.01.2020 is modified by replacing the figure “Rs.6,60,000/-” with a figure “Rs.5,10,000/-” and figure “Rs.5,10,000/-” with a figure “Rs.3,60,000/-”. After effecting the said replacement/ correction, Para Nos.1 and 3 of the Order dated 21.01.2020 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.5,10,000/- 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.3,60,000/- 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.3,60,000/- along with interest accrued thereon, as per Rules, from the Registry of this Court.”*

5. Interim Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)