

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 4217 OF 2019
IN
FIRST APPEAL NO. 1680 OF 2019**

Balan Electrical Ltd.,	.. Applicant
In the matter of	
Hagel Capsul Industries Ltd.	.. Appellant
Vs.	
Balan Electrical Ltd.,	.. Respondent

.....

Mr. Anil R. Mishra for the applicant
Mr. Anoshak Daver a/w Mr. Shreyas Patel, Mr. Meit Sampat i/b Lilttle
& Co. for the appellant

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 25th JANUARY, 2021

P.C.

1. Leave to amend the prayer clause (a) of the application.
2. Heard the learned Counsel for the applicant – original plaintiff and the learned Counsel for the respondent – defendant.
3. The applicant seeks to withdraw the amount deposited by the respondent – defendant in Summary Suit No. 8337 of 2000.
4. This Court by an order dated 1st October, 2019 had already stayed the execution and implementation of the impugned judgment and order dated 13th December, 2018 passed by the City Civil Court in Summary Suit No. 8337 of 2000, subject to deposit of entire decretal amount in the trial Court.

UDAY
SHIVAJI
JAGTAP
Digitally
signed by
UDAY
SHIVAJI
JAGTAP
Date:
2021.01.27
14:37:07
+0530

5. The learned Counsel for the applicant contends that the applicant is in urgent need of money for medical treatment and also for clearing the loan of the bank.
6. The learned Counsel for the respondent has strongly opposed the prayer of the applicant.
7. After hearing the learned Counsel for the parties for some time, in the interest of justice, the applicant is permitted to withdraw the entire amount deposited by the respondent – defendant with interest.
8. At the time of withdrawal, the applicant shall give an undertaking that in case the appellant succeeds, the applicant will refund the entire amount with interest as per the final decision of the appeal within a period of 2 weeks from the date of decision.
9. The application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)