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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
INTERIM APPLICATION NO. 16894 OF 2022
IN
COMMERCIAL FIRST APPEAL NO. 5 OF 2022
IN
SUMMARY JUDGMENT NO. 4 OF 2021
IN
COMMERCIAL SUIT NO. 1031 OF 2020**

Mr Meet S/o Prakash Udani (Sole Proprietor ...Applicant
M/s Trishul Enterprises)

In the matter between

Khan and Co Infra Projects Pvt Ltd (Khan ...Appellant
Group) Thr. Its Director Mr. Sham S Javed Khan)

Versus

Mr Meet S/o Prakash Udani (Sole Proprietor ...Respondent
M/s Trishul Enterprises)

**WITH
INTERIM APPLICATION NO. 16721 OF 2022
IN
COMMERCIAL FIRST APPEAL NO. 5 OF 2022
IN
SUMMARY JUDGMENT NO. 4 OF 2021
IN
COMMERCIAL SUIT NO. 1031 OF 2020**

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Khan and Co Infra Projects Pvt Ltd (Khan Group) Thr. Its Director Mr. Sham S Javed Khan) ...Applicant

In the matter between

Khan and Co Infra Projects Pvt Ltd (Khan Group) Thr. Its Director Mr. Sham S Javed Khan) ...Appellant

Versus

Mr Meet S/o Prakash Udani (Sole Proprietor M/s Trishul Enterprises) ...Respondent

Mr Chandrakant B Ambani, *for the Appellant.*

Mr Girish Kedia, *for the Respondent/Applicant in IA/16894/2022.*

**CORAM G.S. Patel &
 Gauri Godse, JJ.**

DATED: 28th July 2022

PC:-

1. Mentioned. Learned Advocate for the Appellant, Mr Ambani, states on instructions that the Appellants have no objection to the original Plaintiff / Respondent (represented by Mr Kedia) withdrawing the entire decretal amount deposited of Rs.43,75,835/- together with accrued interest, if any, against the proprietor of the Respondent furnishing a signed undertaking in the usual form.

2. We accept the statement. The undertaking is to be in the usual form and is to be affirmed before the officer of this court and not before a Notary.

3. In view of this, the attachment levied by the original Plaintiff-decree holder/present Respondent is raised. Specifically, the

attachment of Appellant's bank accounts and properties are released from attachment.

4. An authenticated copy of this order may be shown to the executing court, if further directions are required.

5. The Appeal is to come up for final hearing in the normal course.

6. The Interim Application is disposed in these terms.

(Gauri Godse, J)

(G. S. Patel, J)