

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO. 144 OF 2021

Sailee Realtors

...Claimant/
Decree Holder

Versus

Vijay Shriram Joshi

...Respondent/
Judgment Debtor

WITH

INTERIM APPLICATION (L) NO. 2756 OF 2023

IN

EXECUTION APPLICATION NO. 144 OF 2021

Mr. Vachan Bodke a/w Mr. Aniket Tawde, Ms. Ankita Vishwakarma i/
by V and M Legal for the Applicant/Claimant.

Mr. Saurabh Utangale for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 4 May 2023

ORDER :

1. The Applicant and the Respondent have entered into Consent Terms which are tendered and taken on record and marked 'X' for identification with today's date. The Consent Terms are signed by the Applicant and Respondent and their respective Advocates.

2. As per the Consent Terms, it is agreed that in full and final satisfaction of the Award dated 12th October 2019, the Respondent has agreed to pay Rs. 1,11,60,000/-. The amount of Rs. 50,00,000/- has been deposited by the Respondent in this Court and which the Applicant is permitted to withdraw with the accrued interest amounting to Rs. 54,10,000/- from the office of the Prothonotary & Senior Master of this Court.

3. The Respondent has undertaken to co-operate in obtaining necessary orders for withdrawal of the said amount deposited in this Court in favour of the Applicant.

4. Further, the Respondent has in the Consent Terms agreed to pay to the Applicant, a sum of Rs. 52,84,000/- (Rs. 57,50,000 less TDS 10% on interest amount of Rs. 46,60,000/-, which is Rs. 4,66,000/-) by way of RTGS in the A/c. No. 005012100004126.

5. The learned Counsel appearing for the parties confirm that this amount has been paid by RTGS in accordance with the Consent Terms. Accordingly, the attachment levied on the Respondent's property pursuant to warrant to attachment dated 27th

October 2021 issued in the present Execution Application is raised.

6. The Respondent has undertaken to withdraw the Commercial Arbitration Petition No. 394 of 2020 pending in this Court.

7. I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions.

8. The undertakings recorded in the Consent Terms are accepted as undertakings to this Court.

9. The Award dated 12th October 2019 stands satisfied and duly executed in accordance with the Consent Terms.

10. Execution Application No. 144 of 2021 is permitted to be withdrawn and accordingly, disposed of.

11. Pending Interim Applications do not survive and disposed of accordingly.

12. A soft copy of the Consent Terms will be uploaded as the second order in the matter.

13. The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

[R.I. CHAGLA J.]