

Sharayu Khot.

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

GARNISHEE NOTICE NO. 35840 OF 2022

WITH

INTERIM APPLICATION NO. 979 OF 2023

IN

EXECUTION APPLICATION NO. 679 OF 2019

WITH

EXECUTION APPLICATION NO. 679 OF 2019

Aastha Telecom

...Applicant

Versus

Mahanagar Telephone Nigam Ltd.

...Respondent/
Judgment Debtor

Mr. Jas Sanghvi a/w Mr. Ansh Agal i/by M/s. PDS LEgal for the
Applicant in EXA.

Mr. Niranjana P. Shimpi for the Defendant.

Mr. D.S. Choudhari, Dy. Sheriff present.

CORAM : R.I. CHAGLA J

DATE : 16 March 2023

ORDER :

1. The learned Counsel appearing for the Judgment
Creditor states that pursuant to the Garnishee Notice, the Garnishee-

Union Bank of India, Prabhadevi Branch, Mumbai has deposited vide Pay Order No. 48934556 dated 24th January 2023 a sum of Rs. 24,73,230/- favouring Sheriff of Mumbai with the office of the Sheriff of Mumbai pursuant to which the Deputy Sheriff of Mumbai issued a certificate certifying receipt of the said sum being the amount paid towards Garnishee Notice No. 35840 of 2022 in the above Execution Application and to hold the sum subject to further orders of this Court.

2. The learned Counsel for the Judgment Creditor has sought withdrawal of the said sum Rs. 24,73,230/- lying with the Sheriff's office.

3. Considering that the Garnishee Notice has been satisfied by the deposit of sum of Rs. 24,73,230/- with the Sheriff's office being an amount payable under Garnishee Notice in the above Execution Application, the Deputy Sheriff is directed to pay the said sum of Rs. 24,73,230/- deposited by the Garnishee to the Judgment Creditor after deduction of 1% poundage fee of Sheriff of Mumbai.

4. Accordingly, Garnishee Notice is disposed of.

5. In view of the decree having been satisfied, warrant of attachment of the Respondent's Bank Account No. 319001010023205 held with Union Bank of India under Order XXI Rule 46 of the the Code of Civil Procedure, 1908 is raised.

6. Considering that the decree has been satisfied by the said sum of Rs. 24,73,230/- lying with the Sheriff's Office being directed to be paid over to the Judgment Creditor, Interim Application No. 979 of 2023 has become infructuous and accordingly, disposed of.

7. The Execution Application No. 679 of 2019 is disposed of by this order.

[R.I. CHAGLA J.]