

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL EXECUTION APPLICATION NO. 1728 OF
2018
ALONGWITH
CHAMBER SUMMONS NO. 1380 OF 2018
IN
COMMERCIAL EXECUTION APPLICATION NO. 1728 OF
2018**

Ram and Company and 2 Ors. ...Applicants
vs.
Polyvin Industries and 2 Ors. ...Respondents

Ms. Priyal Sheth - Advocate for the Decree holders
Ms. Ami Parekh - Advocate for the Respondents
Mr. D. S. Choudhari - Dy. Sheriff of Mumbai

CORAM : S. M. MODAK, J.

DATE : 26th SEPTEMBER 2023

P. C. :-

1. Heard learned Advocate for the Applicants and learned Advocate for the Respondents.
2. In view of the Consent terms, the Applicant wants to withdraw this Execution application. Copy of those consent terms is filed on record. They have filed Consent terms in Civil Revision Application No. 44 of 2022. Copy of the Order dated 28/08/2023 passed in that Civil Revision Application is also tendered on record. The Civil Revision Application and Writ

Petition were disposed of.

3. My attention is invited to the Order dated 27/10/2021 and more specifically para no. 4, therein certain title documents were deposited in the Court, they are referred in para no. 4 of the said Order. They need to be returned. Earlier there was an attempt to sell the property, however bid was not accepted. So necessary poundages are to be paid. Charge @ 1% on the settlement amount. It is mentioned in para no. 8 of the consent terms. It is Rs. 1,70,00,000/-.

4. In view of that following Order is passed:-

- (i) Execution application is disposed of as not pressed.
- (ii) Title document described in para no. 4 of the Order dated 22/10/2022, be returned to the Judgment Debtor subject to deposit of 1% of the poundage charges on Rs. 1,70,00,000/- by judgment creditor.
- (iii) Judgment creditor is granted three weeks' time to make a payment.

5. Interim applications, if any, are disposed of.

[S. M. MODAK, J.]