

Sharayu Khot.

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

COMMERCIAL CONTEMPT PETITION NO. 12 OF 2020

IN

COMMERCIAL NOTICE OF MOTION NO. 2107 OF 2018

IN

COMMERCIAL SUIT NO. 1272 OF 2018

Unix Electronics (India) Pvt.Ltd.

**...Petitioner
(Orig.Plaintiff)**

Versus

Jai Matadi Developers & Ors.

**...Respondents/
Contemnors**

Mr. Pranav Chavan i/by Mahesh Menon & Co. for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 21 March 2023

ORDER :

1. Learned Advocate appearing for the Petitioner has sought leave to withdraw Commercial Contempt Petition No. 12 of 2020 on the ground that the matter has been settled between the parties. By way of praecipe bearing today's date, the learned Advocate for the Petitioner had referred to the order dated 29th August 2018, by which order this Court had directed the

Petitioner/original Plaintiff to deposit the sum of Rs. 19,05,197/- with the Prothonotary & Senior Master of this Court. In compliance with the said order, the Petitioner had deposited the sum of Rs. 19,05,197/- with the Prothonotary & Senior Master of this Court on 7th May 2019. The learned Single Judge of this Court had disposed of the Review Petition and Notice of Motion in the Commercial Suit Nos. 1270 of 2018 and 1272 of 2018 in terms of the Consent Minutes of Order dated 7th May 2019 executed between the parties of the Suits. As per the Consent Minutes of Order, the learned Advocate Mr. Farhan Dubash was appointed as Sole Arbitrator in the arbitration proceedings.

2. Thereafter, the matter was amicably settled between the parties in the arbitration proceedings and Consent Terms dated 6th March 2023 was filed before the learned Arbitrator. In the Consent Terms, the Respondents have confirmed that the Claimant/Petitioner herein is solely entitled to the deposit of Rs. 19,05,197/- as per the order of this Court with all accrued interest. The Respondents then had no objection to the Claimant/Petitioner withdrawing the said amount together with all accrued interest thereon by making application with the Prothonotary & Senior Master of this Court

without there being any requirement of consent. Learned Arbitrator accordingly passed Arbitral Award dated 6th March 2023, in view of the said Consent Terms arrived at between the parties.

3. Learned Advocate for the Petitioner, apart from seeking leave to withdraw the Contempt Petition, is also seeking direction to the Prothonotary & Senior Master of this Court to permit the Petitioner to withdraw the amount of Rs. 19,05,197/- with interest accrued thereon.

4. Accordingly, leave is granted to the Petitioner as prayed. Commercial Contempt Petition No. 12 of 2020 is disposed of as withdrawn.

5. The Prothonotary & Senior Master of this Court is directed to permit the Petitioner to withdraw the amount of Rs. 19,05,197/- (Rupees Nineteen Lakh Five Thousand One Hundred Ninety Seven only) with interest accrued thereon and which shall be returned to the Petitioner/Plaintiff within a period of two weeks from the date of this order.

[R.I. CHAGLA J.]