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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.7710 OF 2024

IN

WRIT PETITION NO.10169 OF 2023

Vasant C. Shah & Ors.

...Applicants

V/s.

Mohanlal G. Kukreja & Ors.

...Respondents

Mr.Somnath T. i/b Mr.R.M. Haridas for the Applicants /
Petitioners.

Mr.C.S. Lamba i/b Mr.R.D. Khosla for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATE : 23RD APRIL, 2024.

P.C. :-

1. This Interim Application is filed seeking withdrawal of the amount deposited in this Court by an order dated 1 October 2018 by Petitioner No.1(b).

2. By an order dated 31 July 2023, the Petitioners were allowed to withdraw the amount deposited, when the Petition was withdrawn. The said order dated 31 July 2023 reads as

under :-

“1. Mr.Haridas,learned Counsel for the Petitioners, states on instructions, that the matter has been settled in the lower Court and seeks leave of this Court to withdraw this Petition with liberty to also withdraw the amounts deposited in this Court. Accordingly, the Petition stands disposed as withdrawn. Let the amounts deposited in this Court be allowed to be withdrawn by the Petitioners.”

3. Mr.Lamba appearing for Respondent No.3 submits that he is not aware why the present Interim Application has been moved. Mr.Somnath T. appearing for the Applicants has now furnished the copy of the Interim Application to Mr.Lamba and he has pointed out to me the order dated 31 July 2023 passed by this Court. He further pointed out that Mr.Lamba was present in Court when the order dated 31 July 2023 was passed by this Court. He further submits that today as regards withdrawal of the amount is concerned, the same is between the Petitioners and this Court, and the Respondents will not have any say. He further submits that the affidavit of no objection to allow the Petitioner No.1(b) to withdraw the amount deposited, has been filed on record by Petitioner Nos.1(b) to 1(c).

4. I am satisfied with the submissions of Mr.Somnath T.

Hence Interim Application is made absolute in terms of prayer clause (a). Prayer clause (a) of the Interim Application reads as under :-

“(a). The office may be directed to permit the applicant /Petitioner No.1(b) to withdraw the amount, which was deposited in this Hon’ble High Court as per order dated 01.10.2018.”

5. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)