



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10052 OF 2024

IN

WRIT PETITION NO.3001 OF 2011

Thana Patell Agiary Co-
Operative Housing Society Ltd.

...Applicant

Versus

Homyar S Aibada And Ors.

...Respondents

Adv. Prisalla Samvel for the Applicant

Adv. Gauri Deshpande i/b Flavia Legal for Respondent Nos. 1 to 26.

Adv. Tanaya Goswami, AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : September 23, 2024.

P. C. :

1. Interim Application has been taken out in the disposed of Petition No. 3001 of 2011 seeking permission to withdraw the amount of Rs. 10,00,000/- with interest accrued thereon in accordance with the Consent Terms dated 19th October, 2023 filed in Writ Petition No. 451 of 2004 by which the Applicants Writ Petition came to be disposed of. Clause 14 of the Consent Terms entitled the Applicant Society to apply to this Court for withdrawal of amount of Rs. 10,00,000/- which was deposited in this Court. Accordingly, the present Application has been filed.

2. Learned counsel for the Respondent does not dispute the said position.

3. Considering that the parties had agreed that the Applicant Society is entitled to apply for withdrawal of the amount deposited in this Court and there is no opposition for withdrawal of the amount of Rs.10,00,000/- in view of the Consent Terms, the Application is allowed in terms of prayer clause (a) which reads thus :

- (a) That the Respondent No. 1 Society be permitted to withdraw the amount of Rs. 10,00,000/- (Rupees Ten Lakhs Only) with interest accrued thereon.

[Sharmila U. Deshmukh, J.]