

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

INTERIM APPLICATION NO. 2452 OF 2024
IN
EXECUTION APPLICATION (L) NO. 21151 OF 2022

Suryoday Small Finance Bank Limited ... Applicant

V/s.

Mohsin Ashraf Khan and another ... Respondents

WITH

INTERIM APPLICATION NO. 3158 OF 2022
IN
EXECUTION APPLICATION (L) NO. 21151 OF 2022

Ms. Bijal Gogri instructed by GNP Legal, Advocate for the Applicant.
Mr. Mohsin Ashraf Khan, Respondent No.1, present
Mr. Chetan Waghmare, Legal Manager/concerned officer of the
Applicant, present.

CORAM : ABHAY AHUJA, J.
DATE : 30 SEPTEMBER, 2024

P.C. :

1. Pursuant to the earlier orders ending with the order dated 4th September 2024, today when the matter is called out, Ms. Gogri appears for the Applicant and submits that an additional Affidavit dated 12th September 2024 on behalf of the Applicant has been filed on 21st September 2024. Ms. Gogri submits that the settlement amount is of Rs.2,00,000/- and the Respondent paid Rs.1,50,000/- and Rs. 50,000/-

towards the bail amount has been deposited with the Prothonotary and Senior Master and this Court by order dated 8th May 2024 clearly recorded in paragraph 5 that the bail amount of Rs.50,000/- would be adjusted against the dues of the Applicant and that therefore, this Court allow the Applicant to withdraw Rs.50,000/- deposited with the Prothonotary and Senior Master.

2. Having heard the learned Counsel for the Applicant and having considered her submissions as well as orders passed by this Court and the additional Affidavit dated 12th September 2024 filed on 21st September 2024, this Court is of the view that the Interim Application be allowed in terms of prayer clauses (a) and (b) which read thus :

(a) That be pleased to direct the Prothonotary and Senior Master to allow the Applicant/deedee holder to withdraw Rs.50,000/- being deposited with them by the Respondents to satisfy their outstanding dues against the Respondents.

(b) That be pleased to direct the Prothonotary and Senior Master to transfer the funds of Rs.50,000/- via RTGS in the bank account of the Applicant having their Bank account maintained with HDFC BANK, ACCOUNT NO. 57500000333029, TYPE OF ACCOUNT CURRENT ACCOUNT, BRANCH BELAPUR NAVI MUMBAI IFSC CODE HDFC0000830 of the Applicant after complying with the requisites with the Prothonotary and Senior Master.”

3. This Application accordingly stands allowed and disposed as above. So also the Execution Application and the connected Interim Application also stand disposed.

(ABHAY AHUJA, J.)