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

INTERIM APPLICATION NO.3396 OF 2024
IN
EXECUTION APPLICATION NO.1111 OF 2023

Aditya Birla Finance Ltd. …Petitioner / Ori. Decree Holder

Versus

The Call and Ors. …Respondents

Ms. Bijal Gogri with Mr. Qureshi i/b. GNP Legal for the Petitioner / Decree Holder.

Mr. Shrikant Rathi for the Respondents.

Mr. Mohammad Qais Mhd. Ashraf Ansari Respondent No.3 is present in Court.

CORAM : R.I. CHAGLA J.

DATE : 8TH JANUARY, 2025.

ORDER :

1. By this Interim Application, the Applicant / Decree Holder has sought permission to withdraw Rs.5,00,000/- being deposited by the Respondent No.3 to satisfy their outstanding dues against the Respondents.

2. Ms Gogri, the learned Counsel appearing for the Applicant / Decree Holder has referred to the Order dated 21st August, 2024 by which this Court directed the Respondent No.3 to comply with the Order dated 5th October, 2023 and to deposit in this Court the amount of Rs.5,00,000/- by 28th August, 2024. Pursuant to the said Order, the Respondent No.3 has deposited the said amount of Rs.5,00,000/-

3. Ms. Gogri has submitted that by the reasoned order dated 26th November, 2024, this Court had noted that Respondent No.3 had deposited the amount of Rs.5,00,000/- in this Court and Rs.2,40,000/- with the bank leaving a balance of Rs.1,60,000/- which was directed to be paid within a period of one month. She has submitted that the payment of Rs.1,60,000/- has been made thereafter.

4. Ms. Gogri has accordingly submitted that the aforementioned relief is required to be granted in this Interim Application.

5. Ms. Gogri has also submitted that upon the relief being

granted, the Applicant / Decree Holder seeks leave to withdraw the Execution proceedings.

6. Having considered the averments in the Interim Application and the relief sought for a case has been made out for grant of relief. Considering that pursuant to the Order dated 21st August, 2024, the Respondent No.3 had deposited the amount of Rs.5,00,000/- with the Prothonotary and Senior Master of this Court.

7. In view thereof, the Applicant / Decree Holder is permitted to withdraw the amount of Rs.5,00,000/- which had been deposited by the Respondent No.3 with the Prothonotary and Senior Master so as to satisfy the amount due to them.

8. The Interim Application is accordingly disposed of.

9. The sum of Rs.5,00,000/- which has been allowed to be withdrawn by the Petitioner / Decree Holder is in full and final settlement of their dues and accordingly the Applicant / Decree Holder is granted leave to withdraw the Execution Application.

10. The Execution Application is accordingly disposed of a withdrawn.

11. The Interim Application filed therein does not survive and is disposed of.

12. The Respondent No.3 who has been directed by this Court to remain present in Court is present. The Respondent No.3 is discharged of his undertaking.

[R.I. CHAGLA J.]