

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

**INTERIM APPLICATION NO. 4103 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 78 OF 2025**

Nusi ITF Trust for Indian Seafarers

...Applicant

V/s.

Wockhardt Hospital Limited

...Respondent

Mr. A. M. Kapadia with Mr. Ayesha Damania i/b Pratik Salgaonkar for the Applicant.

Mr. Vishal Maheshwari with Kamini Pansare i/b VM Legal for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 8th APRIL, 2026

P.C. :

1. Pursuant to the order dated 13th February, 2026, today when the matter is called out, Mr. Kapadia, learned Counsel appearing for the Applicant points out that paragraph-5 of the order dated 13th February, 2026, has not been complied with as the Respondent has not earmarked the aggregate amount of Rs. 15 Cr. in the accounts of the Respondent mentioned in Exhibit-B to the further affidavit dated 3rd December, 2025 nor intimated the same to the Applicant in writing. Mr. Kapadia submits that this Court had on 13th February, 2026 passed the order and on 18th February, 2026 the account only had Rs. 10 Cr and 19th February, 2026 was a bank holiday and there was no earmarking within a week that this

Court had granted, however, submitting that there is a fixed deposit of Rs. 15 Cr opened on 20th February, 2026 and that too in the name of the Respondent and not in the name of the Applicant.

2. Mr. Kapadia would submit that in order to resolve the dispute, this Court may direct that the fixed deposit of Rs. 15 Cr. be liquidated and the said amount be deposited in this Court and liberty be granted to the Applicant to withdraw the same.

3. Mr. Maheshwari, learned Counsel appears for the Respondent and submits that the parties have agreed that the Respondent will not press the Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 and also that the consent terms would be filed and that some time be granted in the matter. Mr. Maheshwari also submits that fixed deposit of Rs. 15 Cr, although in the name of the Respondent is for the Applicant, although there is no evidence of any of such earmarking.

4. Accordingly, having heard the learned Counsel and having considered the submissions, this Court directs the Respondent to within 24 hours, liquidate the fixed deposit of Rs. 15 Cr and to deposit the same in the account of the Prothonotary & Senior Master of this Court.

Thereafter, the Applicant is directed to make an application to the Prothonotary & Senior Master to withdraw the same, which the Prothonotary & Senior Master to permit after due verification.

5. The Commercial Execution Application and the connected Interim Application to accordingly stand disposed.

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(ABHAY AHUJA, J.)