

kps

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.11065 OF 2014
WITH
WRIT PETITION NO.11066 OF 2014**

Krishnakumar Baburao Kulkarni. ..Petitioner

-Versus-

Sumedha Sunil Chitapure (Shinde)
@ Sumedha Vithalrao Shinde. ..Respondent

.....
Mr.Vijay B. Patil, Advocate for the Petitioner.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 02nd March, 2015

Per Court:

1 I have heard Mr.Vijay Patil, learned Advocate for the
Petitioner, for quite sometime.

2 The grievance in the first petition, namely, Writ Petition
No.11065/2014 is that:-

(a) The Trial Court, while decreeing RCS No.188/2012 by the
judgment and order dated 14.12.2013, directed the Respondent/
Defendant to pay an amount of Rs.3,33,700/- with future interest at the
rate of 6% per annum till the realization of the entire decretal amount, to
the Petitioner/ Plaintiff.

(b) The Respondent/ Defendant preferred RCA No.20/2014 and prayed for interim orders below Exhibit-5.

(c) By the impugned order dated 25.02.2014, the Appellate Court directed the Respondent/ Defendant to deposit an amount of Rs.75,000/- in the Appellate Court and furnish the security for the rest of the decretal amount within one month from the date of the said order.

3 In the second petition i.e. Writ Petition No.11066/2014, the grievance is that:-

(a) The Trial Court has decreed Special Civil Suit No.121/2010 by the judgment and order dated 14.12.2013 thereby, directing the Respondent/ original Defendant to pay Rs.8,22,520/- to the Petitioner/ Plaintiff with future interest at the rate of 6% per annum till the realization of the entire decretal amount.

(b) The Appellate Court, while entertaining RCA No.19/2014 filed by the original Defendant/ Respondent, has passed the impugned order dated 25.02.2014 on the application below Exhibit-5, thereby directing the Respondent/ Defendant to deposit an amount of Rs.75,000/- in the Appellate Court and furnish the security for the rest of the decretal amount within one month from the date of the said order.

4 Mr.Patil has strenuously contended that the Appellate Court

should have directed the Respondent/Defendant to deposit at least 50% of the decretal amount. In pecuniary matters, the Court normally insists on deposit of 50% of the total amount. By the impugned orders, the Appellate Court has only directed the Respondent/ Defendant to deposit an amount of Rs.75,000/- in each case.

5 I have considered the submissions of the learned Advocate for the Petitioner and have gone through the petition paper books with his assistance.

6 It is evident that two different amounts have been decreed by the Trial Court. The Appellate Court has directed the Defendant to deposit Rs.75,000/- in each case. Nevertheless, the interest of the Petitioner is secured in the light of the order passed by the Appellate Court whereby, the Defendant has been directed to furnish security for the rest of the decretal amounts.

7 In the light of the above, I do not find that the impugned orders, which are of interlocutory nature, are either perverse or erroneous so as to cause grave injustice to the Petitioner. The Appellate Court has secured the interest of the Petitioner. Needless to state, the Appellate Court shall ensure that the security for the rest of the decretal amount

with interest is maintained by the Defendant till further orders by the Appeal Court.

8 In the peculiar facts of this case, the Appellate Court shall endeavour to decide both the Appeals as expeditiously as possible. The litigating parties are expected to cooperate the Appellate Court for early disposal of the Appeals and they shall refrain from seeking adjournments on unreasonable and frivolous grounds.

9 With the above observations, both these Writ Petitions are disposed of.

(RAVINDRA V. GHUGE, J.)