

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

***CIVIL APPLICATION NO. 168 OF 2014.
IN
CIVIL APPLICATION NO. 225 OF 2010***

Messrs S.P.Gandhi & Sons

.. Applicant /
(Ori. Respondents)

In the matter between-

Uttar Pradesh Industrial Co-op.
Association Ltd.

.. Respondent
(Ori. Applicant)

Vs.

M/s S.P.Gandhi & Sons

.. Original Respondent

***IN
CIVIL REVISION APPLICATION No.62 OF 2009***

Uttar Pradesh Industrial Co-op.
Association Ltd.

.. Petitioner
Defendant

Vs.

Messrs S.P.Gandhi & Sons

.. Respondent /
Plaintiff

Ms Bhagirathy Bahulayam, for the Applicant in CAO No.168 of 2014.

Mr.D.M.Thakur i/b Dave & Co., for the Respondent.

***CORAM: N.M.Jamdar, J.
Wednesday 15 April, 2015***

PC :

By this application, the Applicant seeks to withdraw the amount of compensation deposited by the Respondent herein.

2 The Respondent - original Petitioner is directed to deposit the amount of compensation. Pursuant to order dated 26 September 2011, the amount has been deposited. The learned Single Judge, after considering the rival contentions, had permitted the Applicant to withdraw the sum of Rs.11,000/- per month from the monthly compensation that was to be deposited with effect from October 2011. The application is now taken up for withdrawal of rest of the amount. The learned counsel for the Applicant states that the Applicant is ready and willing to give bank guarantee for the amount to be withdrawn as the amount is required by the Applicant for their medical expenses.

3 Reply has been filed by the Respondent. I have considered the reply. The amount is needed by the Applicants, who are senior citizens. I am of the opinion that, considering the facts and circumstances, interest of justice requires that the Applicant be permitted to withdraw the amount deposited by the Respondent by furnishing a bank guarantee of a nationalised Bank and also the amount that can be deposited by the Respondent henceforth, in the same manner. The Applicant shall keep the bank guarantee alive till the disposal of the proceedings and the withdrawal will be subject to the final order that will be passed in the Revision

application. As regards prayer of early hearing of the Revision application, it cannot be considered at present as there are much older petitions pending for hearing.

4 Civil Application disposed of in the above terms.

(N.M.Jamdar, J.)