

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4700 OF 2014

Mr. Satish Rameshwardas Agarwal.] ... Petitioner

Versus

Messrs. Hotel Galaxy Avenue and Ors.] ... Respondents

Ms. Pratibha Shelke for Petitioner.
Mr. Akhileshwar Sharma for Respondent No.1.
Ms. Deepa Kamath for Respondent Nos.2 and 3.

CORAM :- M. S. SONAK, J.
DATE :- AUGUST 31, 2015

P. C. :-

1. This petition is directed against orders dated 03/12/2013 and 02/04/2014 made by the Trial Court and the Revisional Court directing the Respondent No.1 to deposit certain amount during the pendency of R.A.D. Suit No.491 of 2013 and permitting the deceased Respondent No.2 to withdraw the same. The petition was directed only against the part which permitted the Respondent No.2 to withdraw the amount directed to be deposited by the Respondent No.1.

2. The Respondent No.2 has expired on 28/03/2015. This petition was instituted by the son of the deceased Respondent No.2.

The Respondent No.3 is the other son of the Respondent No.2. In view of such subsequent development, there is no reason to interfere with the impugned order to the extent they had permitted the deceased Respondent No.2 to withdraw the amount to be deposited by the Respondent No.1. However, both the Petitioner as well as the Respondent No.3 or for that matter, other legal heirs of Respondent No.2, shall be entitled to apply to the Trial Court seeking withdrawal of the amount which the Respondent No.1 has been directed to deposit in the Court. In the meantime, the Respondent No.1 to continue to deposit the amount before the Trial Court. If such application is made, then the same shall be considered by the Trial Court on its own merits and in accordance with law.

3. With the aforesaid, this petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)