

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5129 OF 2015

Premalata D. Kothari	..	Petitioner
VS.		
Union Bank of India	..	Respondent

WITH
WRIT PETITION NO. 5130 OF 2015

Devilal B. Kothari	..	Petitioner
VS.		
Union Bank of India	..	Respondent

Mr. Lalit Jain for Petitioners.
Mr. Prakash Shinde with Ms Ambreen Saheed for MDP & Partners
for Respondent.

CORAM : M. S. SONAK, J.
DATE : 20 AUGUST 2015

P.C. :-

1] There is no necessity to entertain these two petitions. The petitions really seek clarification in the context of directions issued in the orders dated 21 November 2014 in writ petition no. 10008 and writ petition no. 10007 of 2014.

2] For this reason, it is not possible to entertain the writ petitions. Accordingly, leave is granted to the petitioners to apply to the learned Judge who has made the orders dated 21 November 2014. Depending such clarification, leave is granted to the petitioners to

apply to the Appeal Court for directions to the respondent to deposit the shortfall, if any. Such application, if made, shall be decided by the Appeal Court in accordance with law as well as the clarification which may be issued by the learned Judge of this Court in the orders dated 21 November 2014.

3] With the aforesaid observations, these two petitions are disposed of.

4] The learned counsel for the respondent prays for costs stating that the respondent is a nationalized bank and is being made to run from Courts to Courts by the petitioners. There is no reason to award costs, at this stage. If however, it is ultimately found that the petitioners were not entitled to any further amounts than the amounts already deposited by the respondent, the Appeal Court shall consider this aspect and impose appropriate costs upon the petitioners. Similarly, if the petitioners succeed in establishing that there was indeed a shortfall, then the Appeal Court will consider imposing appropriate costs upon the respondent herein.

(M. S. SONAK, J.)