

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 236 OF 2015
IN
CIVIL REVISION APPLICATION NO. 124 OF 2015

Manohar Krishnaji Magdum (since deceased)
Mohan Manohar Magdum & Ors. .. Applicants
VS.
Smt. Krishnakumari N. Mishra .. Respondent

Mr. Suresh V. Gole for Applicants.
Mr. Rajesh Singh for Respondent.

CORAM : M. S. SONAK, J.
DATE: 08 JUNE 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] Heard the learned counsels for the parties.
- 3] After this Court issued Rule on 15 April 2015, the learned trial Court has been pleased to make an order dated 7 May 2015 permitting the respondent to withdraw the amounts deposited by the respondent during the pendency of appeal no. 369 of 2007. This was on the basis that appeal no. 369 of 2007 came to be allowed by judgment and order dated 31 January 2015.

4] The present CRA, in which Rule was granted on 15 April 2015 is directed against the aforesaid judgment and order dated 31 January 2015.

5] In the aforesaid circumstances, rather than permit the respondent herein to withdraw the amounts deposited by her during the pendency of appeal no. 369 of 2007, it would be appropriate if the said amount is directed to be invested by the trial Court in a nationalized bank during the pendency and final disposal of the present CRA. This is because, in case this CRA is allowed, appropriate orders can be made with regard to the payment of the said amount to the applicants. In case the CRA is however dismissed, the respondent can always avail the amounts so deposited, along with interest that may have accrued thereon in the meantime.

6] Accordingly, the direction contained in order dated 7 May 2015 is stayed. Instead, the learned trial Court is directed to invest the amounts deposited by the respondent in a fixed deposit in a nationalized bank during the pendency and final disposal of CRA no. 124 of 2015. Such deposit, shall abide by the final orders made in CRA no. 124 of 2015.

7] It is also clarified that the amount of Rs.1,000/- per month, which has already withdrawn by the revision applicants, shall also abide by any further orders that may be made by this court at the stage of disposing of CRA no. 124 of 2015.

8] Civil application is disposed of in the aforesaid terms.

9] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka