

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4227 OF 2014
IN
FIRST APPEAL NO. 771 OF 2010

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri D.J. Bhanage for the Applicant.
Shri S.S.Vidyarthi for the Respondent.

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CORAM : A.S. OKA & A.P.BHANGALE, JJ
DATED : 26TH MARCH 2015

P.C.:

. Heard learned counsel appearing for the Applicant and the learned counsel appearing for the Respondent. The Applicant is the Respondent in the First Appeal. The Applicant is the original Plaintiff. The Application made by the Applicant seeking permission to withdraw the amount deposited by the Respondent Appellant being Civil Application No.475 of 2011 was disposed of by an order dated 9th February 2011. This Court permitted the Applicant to withdraw the amount subject to the Applicant furnishing a bank guarantee of any nationalized bank for the said amount. The Applicant could not furnish the bank guarantee. Civil Application No.4119 of 2012 was filed by the Applicant seeking permission to withdraw the amount without furnishing

bank guarantee, but subject to furnishing some other security. For the reasons recorded, the said prayer was rejected by the order dated 29th January 2013. Time to furnish bank guarantee was extended under the said order by a period of two months.

2. By the present Application, the Applicant is seeking permission to withdraw the amount deposited in the Court against the security of the immovable property. The prayer made for modification of the order dated 9th February 2011 has already been rejected. There is no change in the circumstances. Hence, the Application is rejected.

3. If the Appeal is otherwise ready for final hearing, the same shall be added to the weekly board of the week commencing from 6th April 2015.

4. If the amount deposited by the Respondent is not yet invested, the same shall be invested in a fixed deposit in any nationalized bank.

(A.PBHANGALE, J)

(A.S.OKA, J)