

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 473 OF 2013
IN
CIVIL REVISION APPLICATION NO. 236 OF 2008

Mr. Kanayalal Ramchand Hassija (since deceased)
through his heirs Mahesh Kanayalal
Ramchand Hassija .. Applicant
In the matter between
Mr. Vijaykumar Ramchand .. Petitioner.
vs.
Mr. Kanayalal Ramchand Hassija (since deceased)
through his heir and ors. .. Respondents

Mr. S.L. Singh for the Applicant/Respondents.

CORAM : M. S. SONAK, J.

DATE : 14 JULY 2015.

P.C. :-

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1] This Court by its order dated 7 May 2012 had directed the applicant in Civil Revision Application Nos. 236 of 2008 Shri. Vijaykumar Ramchand to deposit in this Court rent/mesne profits at the rate of Rs.7,500/- per month and to continue to deposit the same till the disposal of the petition. Further, liberty was granted to the respondent Mahesh Kanayalal Ramchand to withdraw 50% of the amount deposited by furnishing personal undertaking for repayment in the event so ordered by the Court. The balance 50% to be invested in any Nationalised Bank.

2] In pursuance of the order dated 7 May 2012, Mr. Vijaykumar Ramchand has deposited certain amounts in this Court. Mr. Mahesh Kanayalal Ramchand Hassija, who has taken out this Civil application states that he has withdrawn an amount of Rs.33,300/- which is much less than 50% of the amount so deposited in pursuance of order dated 7 May 2012. Since there is already an order permitting withdrawal of 50%, Mr. Mahesh Kanayalal Ramchand Hassija, is permitted to withdraw further amounts from out of amounts deposited by Mr. Vijaykumar Ramchand, so as not to exceed 50% of the total amount deposited in terms of order dated 7 May 2012. This shall be subject to Mr. Mahesh Kanayalal Ramchand Hassija filing an undertaking for repayment of said amount in the event, the Court orders him to do so.

3] Registry to permit accordingly.

4] Civil Application is disposed of in aforesaid terms.

(M. S. SONAK, J.)