

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3145 OF 2015
IN
FIRST APPEAL NO.578 OF 2015

Mr. Mohan Atmaram Patil. .. Applicant
Vs
Mrs. Medha Ramakant Khandekar. .. Respondent
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Ms. Smita N. Mhatre for the Applicant.
Shri Ashok M. Saraogi for the Respondent.
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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 5TH OCTOBER 2015

PC.

. The Applicant is the original Plaintiff and the Respondent is the original Defendant, who is the Appellant in the Appeal. In compliance of the decree subject matter of challenge in the Appeal, the Applicant has deposited a sum of Rs.1,07,00,000/- (Rupees One Crore Seven Lakhs only) with the Trial Court. On the last date, when this Application was argued, we had informed the Advocate for the Applicant that the prayer for allowing the said amount without prejudice to the rights and contentions cannot be considered, but the simplicitor withdrawal can be allowed with a rider that the legal consequences of such withdrawal will be examined at an appropriate stage. On the last date, the Application was adjourned to enable the learned counsel appearing for the Applicant to take instructions.

Today, the learned counsel appearing for the Applicant on instructions states that the Applicant wants to withdraw the said amount.

2. Accordingly, we dispose of the Application by passing the following order.

ORDER :

- (a) We permit the Applicant to withdraw the sum of Rs.1,07,00,000/- (Rupees One Crore Seven Lakhs Only) deposited with the Trial Court;
- (b) If the amount is already invested, the Applicant will be entitled to withdraw interest accrued on the said amount;
- (c) The legal effect of withdrawal of the said amount by the Applicant will be considered at an appropriate stage of the proceedings;
- (d) The Civil Application is disposed of on above terms.

(V.L. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed
Judgment/Order.