

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.35 OF 2014

(Mr. Ghanshyam s/o Gopala Khandare ..vs.. Mr. Diwakar s/o Hiranman Barasagade)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 07-1-2015

Heard Shri Rajnish Vyas, the learned Advocate for the appellant and Shri S.S. Dhengale, the learned Advocate for the respondent.

Admit.

Shri S.S. Dhengale, the learned Advocate, waives service of notice on behalf of the respondent.

Civil Application (CAF) No.84 of 2014.

This Court by the order dated 06-2-2014 has granted ad interim order in terms of prayer clause (2) of the civil application. Considering the facts of the case, I am of the view that the interim order granted is required to be continued, however on condition that the appellant shall deposit the amount of Rs.5,37,000/- which is received by the appellant from the respondent, with the Registry of this Court till 02-3-2015. In case the amount is not deposited till the stipulated time, the interim order shall stand vacated without reference to the Court.

If the amount is deposited within the stipulated

time with the Registry of this Court, the respondent is permitted to withdraw the amount.

Shri S.S. Dhengale, the learned Advocate for the respondent appears and submits that the amount of Rs. 2,63,000/- is deposited by the respondent before the trial Court. The respondent is permitted to withdraw the amount deposited before the trial Court. This arrangement is without prejudice to the rights of the parties.

JUDGE

pma