

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1547 OF 2015
IN
FIRST APPEAL NO.261 OF 2015**

Babubhai Thiba	..Applicant
In the matter between	
Indira Rajendra Gandhi & Ors.	..Appellants
Vs.	
Babubhai Thiba & Ors.	..Respondents

Mr. S. K. Chaurasia i/b SKC Legal for the Applicant / original Respondent No.1
Mr. R. R. Lanjekar for the Respondents original Appellants

CORAM : R. M. SAVANT, J.
DATE : 23rd JUNE, 2016

P.C.

1 The above Civil Application has been filed seeking withdrawal of the amount deposited by the Respondent No.1(a) to 1(c) to the above Civil Application who are the original Appellants in the First Appeal. The decree passed in the Suit is a money decree in the sum of Rs.35,00,000/- along with interest up to the date of the decree. The said amount comes to Rs.89,41,989/- which has been deposited by the Respondent Nos.1(a) to 1 (c) in the Trial Court. The Learned Counsel appearing for the Applicant states that the Applicant is suffering from ailments and requires the amount for his medical expenses. The Learned Counsel for the Applicant further states that the Applicant is around 65 years of age.

2 In my view, considering the fact that the decree passed is a money decree which is in contention in the above First Appeal, it would not be proper to permit the Applicant to withdraw any amount from the amount that is deposited in the Trial Court. The Civil Application is accordingly rejected.

3 However, the hearing of the above First Appeal is expedited and directed to be placed for final hearing in the category of senior citizen in January 2017.

[R.M.SAVANT, J]