

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 819 OF 2015****ALONGWITH****CIVIL APPLICATION NO. 1004 OF 2015****IN****APPEAL FROM ORDER NO. 819 OF 2015****ING Vysya Bank Ltd.****..... Appellant****VERSUS****Smt.Ujwala Pankaj Damniwala & Ors.****..... Respondents**

Mr.Prakash Shinde, a/w. Ms.Ambreen Saheed, i/b. MDP & Partners for the Appellant.

Ms.Sukruta Chimalkar for the Respondents.

CORAM : R.D. DHANUKA, J.**DATED : 12th JANUARY, 2016****P.C.**

There is no dispute that the appellant has already deposited the amount directed to be deposited by the learned trial judge in the summons for judgment though belatedly. The amount deposited by the appellant in this court is directed to be transferred to the suit account of Summary Suit No. 5371 of 2012 which is pending in the City Civil Court.

2. The respondents would be at liberty to make an application for withdrawal of the said amount. If any such application is made, the same shall be considered on its own merits.

3. Time to file written statement is extended till 29th February, 2016. Copy of such written statement shall be served upon the plaintiff's advocates simultaneously.

4. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of disposal of the appeal from order, civil application does not survive and is accordingly dismissed.

[R.D. DHANUKA, J.]