

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2396 OF 2015
IN
FIRST APPEAL NO.764 OF 2015

Mahanagar Telephone Nigam Ltd.	 Applicants
<i>In the matter between</i>	
Mahanagar Telephone Nigam Ltd.	 Appellants
Vs.	
Bhagwandas Naraindas Motwani & Ors.	 Respondents

Mr. Sandeep V. Marne for the Applicants/Appellants.
Mr. Kishor K. Malpathak for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : DECEMBER 23, 2016

P.C:

1. Having heard both sides and perusing the order passed on 4-2-2016 at the stage of admission of this First Appeal, we are of the opinion that the respondents/original plaintiffs can be permitted to withdraw the amounts deposited by the appellants/applicants-MTNL, month to month. The order of this Court is clear in that regard. Therefore, on production of

an authenticated copy of this order, the trial Court shall permit the respondents to withdraw the amount deposited with accrued interest and shall during the pendency of the First Appeal, permit monthly withdrawals after the applicants/appellants before us bring the rental/compensation amount in Court. Withdrawal of that also shall be permitted by the trial Court.

2. This civil application for stay is disposed of. It is on the above terms of the deposit, that there will be a stay of the decree of the trial Court. That shall operate during the pendency of the First Appeal.

3. Needless to clarify that no terms or conditions and which follow from the order passed by this Court on 4-2-2016 have been modified by us. Therefore, the stay as directed above shall be to the extent of the execution and enforcement of the money decree passed by the trial Court.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)