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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.24780 OF 2015

Mrs.Shamim B. Modak	...Appellant
V/s.	
Sachin V. Jain	...Respondent

Mr.Prajot Jaggi for the Appellant.

Mr.D.V. Godbole i/b Mr.Kamlesh Hadkar for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2016.

P.C. :-

1. Pursuant to the order dated 28th January, 2016 passed by this Court, the appellant has deposited a sum of Rs.30.00 lacs in the City Civil & Sessions Court, Greater Bombay.
2. In view of the appellant having deposited a sum of Rs.30.00 lacs, the impugned order passed by the learned trial Judge is set aside. In my view, the notice of motion filed by the original plaintiff therefore, does not survive and is accordingly disposed of.
3. The Bombay City Civil Court is directed to invest the amount deposited by the appellant in a fixed deposit of a nationalized bank initially for a period of three years and thereafter for like periods after obtaining further orders from the learned trial Judge. If the

original plaintiff makes an application for withdrawal of the said amount, the said application shall be considered by the learned trial Judge on its own merits.

4. The appeal from order is disposed of in the aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)