

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.370 OF 2016
IN
CIVIL REVISION APPLICATION NO.6 OF 2014**

**Abdulsalam Jainoddin Shaikh : Applicant/Ori.Plaintiff
versus
Abdulmannan Makbul Shaikh
since deceased through LRs
Smt. Tabbassum Abdulmannan Shaikh & ors. : Respondents.**

**Mr. Ashok B Tajane for the Applicants/original Respondent
Mr. Shrishail Sakhare for the Respondent No.1/Original Applicant.**

**CORAM : R. M. SAVANT, J.
DATE : 03rd APRIL 2017**

P.C.

1 Leave to amend so as to add prayer clause (AA) in the above Civil Application is granted. Amendment to be carried out forthwith.

2 The above Civil Application has been filed inter-alia seeking the relief that the Applicant/original Respondent, who is the original Plaintiff/Landlord, be permitted to withdraw the amount of Rs.36,000/- which is lying in deposit in this Court which amount has been deposited by the Respondent No.1 herein i.e. the original Applicant in the above Civil Revision Application Shri Abdulmannan Makbul Shaikh who is the original Defendant/Tenant.

3 The learned counsel appearing for the Respondent No.1 herein i.e. original Applicant/Tenant Shri Shrishail Sakhare states that if the amount is allowed to be withdrawn then the same has to be secured by the Applicant herein/original Respondent in the Civil Revision Application. Upon this the learned counsel appearing for the Applicant herein i.e. the original Respondent in the Civil Revision Application Shri Ashok Tajane states that the Applicant/original Respondent would file an undertaking in this Court that in the event the decision in the above Civil Revision Application goes against the Applicant herein i.e. the original Respondent in the Civil Revision Application, the Applicant/original Respondent would re-deposit the amount in this Court as would be directed at the final hearing of the above Civil Revision Application.

4 In my view, the personal undertaking that would be furnished by the Applicant/original Respondent would secure the interest of the original Applicant/Defendant i.e. the Respondent No.1 herein. The above Civil Application is therefore allowed in terms of prayer clause (AA) on the condition that the Applicant/original Respondent files his personal undertaking in this Court that in the event the decision in the above Civil Revision Application goes against the Applicant herein i.e. the original Respondent in the Civil Revision Application, the Applicant/original Respondent or his heirs would re-deposit the amount in this Court as would be directed at the final

hearing of the above Civil Revision Application. The said undertaking to be filed within two weeks from date. Only on filing of the said undertaking that the amount would be permitted to be withdrawn. If the undertaking is not filed, then the benefit of this Order would not enure to the Applicant/original Respondent. In the said event the amount may be invested by the Registry of this Court in a fixed deposit of a nationalized bank initially for a period of one year to be renewed thereafter for such period as would be deemed appropriate. With the aforesaid directions, the above Civil Application is disposed of.

[R.M.SAVANT, J]