

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 637 OF 2014
WITH
CIVIL APPLICATION NO. 765 OF 2014

Maya Uday Visaria & Anr	...Appellants
<i>Versus</i>	
Ratnakant Dattatraya Gupte & Anr	...Respondents

None for the Appellant.

CORAM: G.S. PATEL, J
DATED: 19th July 2017

PC:-

1. The appeal from order is directed against an order dated 3rd May 2014. It seems that the Plaintiffs sought leave to deposit the mortgage debt of Rs 5 lakhs under each of two mortgage deeds, i.e., Rs 10 lakhs in total. This was obviously intended towards redemption. The Notice of Motion was allowed.

2. The defendants are in appeal. None appears for the defendants today. None was present on 17th July 2017 either when I adjourned the matter till today. Even on 31st March 2016 the appellants were not represented.

3. It seems that on previous occasion the impugned order was stayed since parties were negotiating a settlement.

4. I am constrained to dismiss the appeal not only for want of prosecution but also because I find no reason whatever to interfere with the impugned order. The learned Judge correctly held that by granting reliefs to the plaintiffs and by permitting the deposit in Court, the defendants were in no way prejudiced. The mortgagor was always at liberty to redeem the mortgage. This was, by the order of deposit, being done under the supervision of the Court.

5. The appeal is dismissed. There will be no order as to costs.

6. The civil application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)