

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 835 OF 2016
IN
FIRST APPEAL NO. 543 OF 2014

Smt. Nirmala H. Mehta & Ors.	..	Applicants
<u>In the matter between :</u>		
Mahanagar Telephone Nigam Ltd.	..	Appellant
VS.		
Smt. Nirmala H. Mehta & Ors.	..	Respondents

Mr. Bharat Gadhavi i/b. Tejas Dande & Associates for Applicants
in CA and for Original Respondent Nos. 1 to 7 in FA.
Ms S. I. Shah for Appellant in FA.

CORAM : M. S. SONAK, J.
DATE : 09 MARCH 2017

P.C :

1] By this civil application, the applicants, who are the respondents in the first appeal, seek to withdraw the sum of Rs.7,56,000/- deposited by the MTNL, in terms of the Order dated 25 February 2015 made by the Division Bench of this Court in Civil Application No. 1811 of 2014.

2] Ms Shah, requests for sometime to file reply. In the alternative, she submits that the entire deposited amount may not be permitted to be withdrawn. She submits that the applicants herein should be called upon to furnish an undertaking to bring back such amount together with interest in case the appeal is allowed.

3] The submissions of Ms Shah are totally misconceived. In the order dated 25 February 2015, made by the Division Bench, it is clearly recorded that in case the amount is deposited by the appellant – MTNL, the respondents are permitted to withdraw the same.

4] In view of such direction, there was no necessity for the applicants herein to have even taken out a separate application. In any case, it does not lie in the mouth of the MTNL to oppose or to even obstruct the request made by the applicants, particularly, since the MTNL, has not challenged the order dated 25 February 2015 made by the Division Bench.

5] Accordingly, the Registry to permit the applicants to withdraw the amount deposited by the MTNL forthwith.

6] The civil application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)