

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2445 OF 2017**

Satyavati R Ruia	...Petitioner
<i>Versus</i>	
The New India Assurance Co Ltd	...Respondent

**Mr Girish Godbole, a/w Mr Deepak Jamsandekar, Mr Ashish Mehta
& Mr Shivaji Khadke, for the Petitioner.**
Mr VV Sanglikar, for the Respondent.

**CORAM: G.S. PATEL, J
DATED: 6th November 2017**

PC:-

1. The Writ Petition impugns an order of 8th August 2016. By that order the Petitioner's application for withdrawal of an amount deposited by the Respondent was rejected. The Respondent is the New India Assurance Company Ltd. It delivered possession of the premises which it had occupied. It had suffered a decree of mesne profits. It has challenged this decree in Misc Appeal No.111 of 2015, which is pending. By an order dated 29th October 2015 in Writ Petition No.10838 of 2015, the New India Assurance Company was required to make a deposit of Rs.9.65 crores, which it had done. The amount is invested.

2. The true anxiety on the part of the Petitioner, represented by Mr Godbole, is obviously the fact that she is a senior citizen and in indifferent health. But even having regard to that fact, knowing that there is a decree, it is not possible to pass an order that might in the slightest have the result or effect of prejudicing that appellate outcome. Instead it is better to request the Appellate Court to dispose of the Miscellaneous Appeal No.111 of 2015 at the earliest and if possible by 2nd February 2018.

3. Parties will appear before that Court on 15th November 2017. The Court is requested to fix a schedule for hearing of the Appeal at its own convenience. Advocates on both sides will make the necessary arrangements and neither side will seek accommodation. No further directions are required.

4. The Writ Petition is disposed of in these terms. There will be no order as to costs. All contentions are kept open.

5. The Appellate Court will act on an authenticated copy of this order.

(G. S. PATEL, J.)