

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

**CIVIL APPLICATION NO. 378 OF 2018
IN
CIVIL REVISION APPLICATION NO. 81 OF 2018**

Gopal Prabhudas Mavani & Anr. ...Applicants

Versus

Nafisa Afroz Alam & Ors. ...Respondents

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Mr. Jayesh Bhatt a/w. Mr. S.K.Mishra for the Applicants.
Mr. Joseph B. Fernandes for the Respondents.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 27, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. By this Civil Application, the learned Counsel for the applicants prays that the hearing of the Civil Revision Application be expedited and the applicants be allowed to withdraw an amount, which was deposited by the respondents/defendants in the Court upto 31st March, 2018 against the bank guarantee and also requested that the respondents be directed to deposit an amount of Rs. 50,000/- p.m. as compensation.

3. The learned Counsel for the respondents has filed an affidavit in reply, and has pointed out that the suit was decreed on 4th September, 2017 and the defendants i.e., original applicants in this Civil Revision Application are directed to pay an amount of Rs. 30,000/- towards compensation alongwith 5% interest per year. He has further submitted that initially the suit was filed before the Ordinary Original Civil Jurisdiction, High Court, Bombay and some amount has been deposited in the High Court. Hence, some amount is still lying in the High Court and some amount is lying in the Civil Court. He has further submitted that till date, the amount may be approximately Rs. 60 lakhs.

4. All contentions are kept open. The Civil Revision Application can be fixed for hearing in view of the order dated 12th December, 2017 passed by this Court. However, as the original respondents i.e., the present applicants are decree holders, some workable arrangement is made as follows :

The applicants i.e., original respondents in the Civil Revision Application without prejudice are allowed to withdraw an amount of Rs. 20 lakhs either from the City Civil Court, Mumbai or from the Office of the Prothonotary & Senior Master, High Court, Original Side, Bombay against the bank guarantee.

(MRIDULA BHATKAR, J.)