

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

**CIVIL APPLICATION NO. 2056 OF 2017
IN
FIRST APPEAL NO. 574 OF 2018**

Vijay R. Shukla	...	Applicant
<u>In the matter between</u>		
M/s.Ritz Pvt. Ltd.	...	Appellant
V/s.		
Vijay R. Shukla	...	Respondent

- Mr.Jayesh Mestry for the Applicant/original Respondent.
- Mrs.Ashish Suryavanshi i/b. Mr.D.G. Rangras for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st OCTOBER, 2018.

P.C. :

- 1] Heard learned counsel for the parties.
- 2] This is an application seeking withdrawal of the decretal amount of Rs.3,35,472=15 which is deposited by the Appellant in this Court in pursuance of the decree passed by the trial Court.
- 3] Learned counsel for the Appellant strongly resists this application and in the alternate submitted that, if the Respondent-Applicant is to be permitted to withdraw this amount, then it should be only to the extent of 50% and subject to furnishing of Bank Guarantee.

4] However, considering that the suit was decided on merits and thereafter, the trial Court has passed this decree, the Applicant-Org. Respondent is permitted to withdraw 75% of the amount deposited in the Court, subject to furnishing of usual undertaking. Remaining amount of 25% be invested in any Nationalized Bank.

5] The Civil Application is disposed of in above terms.

6] Learned counsel for the Applicant-Org. Respondent submits that in the Bank account, the name of the Respondent-Applicant is "Vijay Kumar Shukla". He produces the photocopy of the Bank Account. Hence, the Office is directed to make payment of 75% in the said account of the Applicant.

[DR.SHALINI PHANSALKAR-JOSHI, J.]