

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 696 OF 2019
IN
FIRST APPEAL NO. 1808 OF 2005

Abdul Salam Mohammad Yusuf Mukari
(since deceased through legal heirs)
Mrs.Atika Abdus Salaam Mukari & another. ... Applicants.
In the matter between
The State of Maharashtra. ... Appellant.
V/s.
Abdul Salam Mohammad Yusuf Mukari & others. ... Respondents.

Ms.Chaitrali A. Deshmukh for the applicants.
Mr.A.R.Patil, Addl.GP for respondent No.1- State.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 13th March 2019

P.C.:

Heard the learned counsel appearing for the applicants and the learned APP for the first respondent. The applicants are the legal representatives of the third respondent in the appeal. The appeal is preferred by the State Government in which the applicants' names have been brought on record at the instance of the State Government (original appellant). As per the order dated 2nd March 2006 passed in Civil Application No.5569/2005, the respondents in the appeal were entitled to withdraw interest on the fixed deposits made in terms of the said order dated 2nd March 2006. It is pointed out in the application that the

deceased third respondent in the appeal was drawing interest of his share. As the State Government itself has brought the present applicants on record as the legal representatives of the third respondent in the appeal, the prayer made in this application deserves to be granted subject to applicants submitting an indemnity bond to this Court to the satisfaction of the Registrar (Judicial-I) of this Court who will ensure that if a claim is made by any other person claiming to be a legal representative of the third respondent, the applicants will be entitled to take care of such claim.

Accordingly, we pass the following order:

O R D E R

- ((i) Application is allowed in terms of prayer clause (b), subject to the condition of applicants furnishing an indemnity bond in terms of this order to the satisfaction of Registrar (Judicial-I) of this Court. As soon as the indemnity bond is furnished by the applicants to the satisfaction of Registrar (Judicial-I) of this Court, the Registrar (Judicial-I) shall inform the concerned Bank to act upon this order by forwarding an authenticated copy of this order to the concerned bank mentioned in prayer clause (b);
- ((ii) Civil application is disposed of in the above terms.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)