

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

CIVIL APPLICATION NO.567 OF 2019

IN

FIRST APPEAL NO.1176 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ramdas Shelke i/b Mr.R.M.Pethe for the
applicant

Mr.Gautam T. Kanchanpurkar for the
respondent no.1

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Not on board. At the request of the
learned counsel for the Applicant, matter is
taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant
original defendant is seeking order directing
Trial Court to invest the amount deposited by
the appellant Pune Municipal Corporation as
per order dated 25.1.2016 passed by this court

in Civil Application No.19 of 2016 in First Appeal No.1170 of 2015.

4 The learned counsel for the Applicant submits that in the present proceeding, the Trial Court passed judgment and decree dated 9.4.2015 in Special Civil Suit No.731 of 2003 holding that appellant is liable to pay sum of Rs.1,35,97,134/- with interest @ 6% p.a. to the respondent / original plaintiff. He submits that this court by order dated 25.1.2016 granted interim protection in favour of appellant by directing them to deposit 50% principal amount on or before 15.2.2016. He submits that as per the order passed by this court, Pune Municipal Corporation deposited 50% amount in the Trial Court. He submits that thereafter Civil Application No.19 of 2016 dated 23.02.2016 was made absolute in terms of prayer clause (a).

5 The learned counsel for the Applicant submits that as per his instructions, amount is lying with the Trial Court without any investment. Hence, he preferred the present Civil Application.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a

case for allowing the Civil Application. Hence, following order is passed:

- a. Trial Court i.e. 2nd Joint Civil Judge, Senior Division Pune is directed to invest entire amount deposited by Pune Municipal Corporation as per order passed by this court, in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- b. Civil Application stands disposed of accordingly.
- c. Parties to act on authenticated copy of this order.

(K.K.TATED, J.)