

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

**CIVIL APPLICATION NO.500 OF 2018
IN
CIVIL REVISION APPLICATION NO.406 OF 2011**

Mrs. Firoza Pervez Driver
And Another

... Applicants

In the matter between :

Hindustan Petroleum Corporation
Ltd.

... Applicant/
Org. Defendant

Versus

Mrs. Firoza Parvez Driver
And Another

... Respondents/
Org. Plaintiffs

.....

Mr. Kamalakar L. Koli for the Applicants (original Respondents).

Mr. Sangita Kalsekar i/b Ms. Pallavi Dabholkar for the Respondent
(original Applicant). _

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COR0AM : S.C. GUPTE, J.

DATE : 30 SEPTEMBER 2019

P. C. :

. The Civil Application is for withdrawal of the amount deposited by the Respondents, who are the original applicants in the Civil Revision Application (CRA). The Respondents' suit for eviction was decreed and the applicants were directed to hand over possession of the suit premises. Their appeal before the Appellate Bench of the Court of Small Causes was dismissed. The applicants' CRA was

admitted on 20 September 2011. Thereafter, on the Respondents' application (Civil Application No.385 of 2013), interim compensation of Rs.1,00,000/- over and above the compensation of Rs.46,614/- fixed by the trial court was ordered to be paid by the applicants by this court. The Respondents were given liberty to make separate application for withdrawal of the amount. In the premises, the present application is made praying for withdrawal of the amount deposited by the applicants. After considering the facts and circumstances of the case, this Court is of the view that it may be in the interest of justice to permit the Respondents to withdraw 50 per cent amount deposited by the applicants. The applicants have no particular objection in this behalf.

2 Accordingly, the Civil Application is disposed of, by permitting the Respondents to the CRA to withdraw 50 per cent of the amount so far deposited by the applicants. So far as the prospective deposits are concerned, the Respondents shall likewise be permitted to withdraw 50 per cent of the amount deposited by the applicants. Registry to act accordingly.

(S.C. GUPTE, J.)