

(b) Pass a necessary direction for permitting the Petitioner members/occupants to withdraw an amount towards rent for the following period of 01-07-2018 to 31-12-2018, as duly deposited by Respondent No.2 in the office of the Prothonotary and Senior Master as per the updated list of occupants of residential and commercial premises of Kagalwala Building Resident Welfare Association.”

2. It appears that at least three of the tenants have expired and the names of legal representatives are reflected at Exhibit-4, page 22-A of the Affidavit in support of the Notice of Motion. The concern of Respondent no.1-Developer is that there may be other heirs of the deceased-tenant. Without prejudice to the rights and contentions of the parties, we permit the heirs of the deceased tenants, whose names are mentioned at aforesaid Exhibit-4, to withdraw the rent deposited by Respondent no.1-Developer in the office of the Prothonotary and Senior Master upon their furnishing an Undertaking-cum-Indemnity Bond to the satisfaction of Prothonotary and Senior Master that in the event there is a dispute inter-se between the heirs, they shall bring back the amount if so ordered by the Court.

3. The Notice of Motion to stand disposed of in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST