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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.419 OF 2014
IN
FIRST APPEAL NO.107 OF 2017

State of Maharashtra & Ors.	...Applicants
V/s.	
Harishchandra R. Mestri Malgaonkar since deceased through His L.Rs. - Smt.Neelima H. Mestri Malgaonkar & Ors.	...Respondents

Mr.A.R. Patil, Additional Government Pleader for the State –
Applicants.

Mr.G.H.Keluskar for the Respondent Nos.1-A, 1-C and 3.

CORAM : R.D. DHANUKA, J.
DATE : 3RD FEBRUARY, 2020.

P.C. :-

1. Mr.Patil, learned A.G.P. for the applicants on instructions undertakes that the applicants would deposit the entire amount awarded by the Reference Court by a judgment and award dated 11th May, 2012 with interest to be computed upto the date of deposit before the Reference Court within eight weeks from today. Undertaking is accepted. In view of the undertaking, civil application is allowed in terms of prayer clause (b).

2. It is made clear that no further extension of time would be granted. If the amount is not deposited within eight weeks from today, the *ad-interim* relief granted by this Court to stand vacated without further reference to this Court.

3. The respondents are permitted to withdraw 50% of the amount that would be deposited by the applicants with interest to be computed upto the date of deposit, without furnishing any security but on filing an undertaking before the Reference Court to the effect that if the respondents fail in this first appeal, they shall return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order. Such undertaking shall be furnished within four weeks from the date of communication of the factum of deposit by the applicants to the respondent nos.1 to 3 with a copy to be served upon the applicants simultaneously. Balance 50% amount shall be invested by the reference Court in the fixed deposit of a nationalized bank for a period of five years and thereafter for like period depending upon the pendency of First Appeal. If undertaking is not furnished within the time prescribed that 50% amount also shall be invested in the similar manner.

4. The civil application is disposed of on aforesaid terms. There shall be no order as to costs.

5. All parties as well as the Reference Court to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)