

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

**CIVIL APPLICATION NO. 1320 OF 2019  
IN  
FIRST APPEAL NO. 1361 OF 2005**

Smt. Mangal Dharma Sonavane & Ors. ... Applicants

**In the Matter Between :-**

The Mumbai Municipal Corporation of  
Gr. Mumbai, Executive Engineer ... Appellants

**V/s.**

Smt. Mangal Dharma Sonavane & Ors. ... Respondents

Mr. Siddharth Idnani i/by Mr. Avinash M. Gokhale for the Applicant.

Ms. Sheetal Mane Tadke i/by R. A. Malandkar for the Appellant.

**CORAM : R.D.DHANUKA,J.**

**DATE : 28<sup>th</sup> January, 2020.**

**PC.:-**

1] Learned counsel appearing for the applicant states that details of the legal heirs of the Respondent Nos. 2 and 3 in the Civil Application would be furnished to the learned advocate for the appellants within two weeks from today. Statement is accepted.

2] Appellants would be at liberty to apply for amendment to the appeal memo and the pending Civil Application for bringing the legal heirs of the Respondent Nos. 2 and 3 on record.

3] By this Civil Application the applicants seek liberty to withdraw the balance decretal amount alongwith accrued interest. Learned counsel for the applicants however prays that applicants be permitted to withdraw quarterly interest accrued pursuant to the liberty granted by this Court by an order dated 22<sup>nd</sup> February 2008 in Civil Application No. 3305 of 2005. He however states that details of the accrued interest on the fixed deposit made by the Tribunal is not disclosed to the applicants.

4] In view of the liberty granted by this order dated 22<sup>nd</sup> February 2008 the Civil Application 3305 of 2005 to withdraw and quarterly interest on fixed deposit, I am inclined to allow this prayer of the applicants.

5] The M.A.C.T., Mumbai is directed to call for the latest statement of account of the fixed deposit made by the M.A.C.T, Mumbai pursuant to the order passed by this Court with breakup of the principal amount and interest from the Bank within two weeks from the date of communication of this order. A copy of such statement to be served upon the appellants' advocate.

6] Applicants are permitted to withdraw the said amount with accrued interest on the amount of investment made by the M.A.C.T., Mumbai pursuant to the interim order made by this Court till the date of withdrawal without furnishing any security.

7] Civil Application is disposed of in aforesaid terms. Parties as well as M.A.C.T., Mumbai to act upon the authenticated copy of this order.

**[R.D.DHANUKA, J.]**