

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 27752 OF 2019

Achelesh Daga & Ors.

..... Appellants

VERSUS

Nikhil Kumar Daga & Ors.

..... Respondents

Mr. Pankaj Kowli, a/w. Mr. Harish Pandya, i/b. M/s. Kookada & Associates for the Appellants.

Ms. Sheetal Prakash, i/b. Ms. Neha Pandya for the Respondent no.1.

No records and proceedings.

CORAM : R.D. DHANUKA, J.

DATE : 5th FEBRUARY, 2020

P.C.

Matter is mentioned. Not on board.

2. This appeal is dismissed by a separate order passed by this court yesterday. This court has refused to continue *ad-interim* relief passed by this court on the application made by the learned counsel for the appellant. Matter is mentioned today for seeking direction to direct the respondent no.1 to return the amount of Rs.10,00,000/- deposited by the appellant pursuant to the order dated 19th December, 2019.

3. The application made by the learned counsel for the appellant is vehemently opposed by the learned counsel for the respondent no.1. She invited my attention to the orders dated 19th December, 2019 and 16th December, 2019 passed by this court. This court has permitted the respondent no.1 to withdraw a sum of Rs. 10,00,000/- deposited by the

appellant on furnishing an undertaking to the concerned trial court to the effect that if the respondent no.1 does not succeed in the First Appeal, he would return the said amount allowed to be withdrawn by this court by a subsequent order as may be passed by this court.

4. Since the First Appeal filed by the appellant is dismissed by this court, there is no question of directing the respondent no.1 to return the said amount of Rs.10,00,000/- as prayed by the learned counsel for the appellant. This court had already refused to continue the *ad-interim* order yesterday.

5. Application made by the learned counsel for the appellant is accordingly rejected.

6. Praecipe is disposed of.

[R.D.DHANUKA, J.]