

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.7721 OF 2021
IN FA/850/2004**

**PRAVARA MEDICAL TRUST, LONI
VERSUS
DR VIJAYA MOHANIRAJ DEOKAR**

Mr.A.V.Hon, Advocate for applicant

Mr.S.V.Bhopi, Advocate h/f. Mr.R.N.Dhorde, Sr. Advocate for
respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 10, 2021**

ORDER :-

Heard. Perused the application.

2. The applicant herein was plaintiff in R.C.C. No.124 of 1998 filed for damages of Rs.Five Lakhs, which was partly decreed by the trial Court, granting a sum of Rs.90,000/- as compensation. First Appeal No.850 of 2004 was preferred to this Court there-against. However, on enhancement of the pecuniary jurisdiction of the District Court, the First Appeal came to be transmitted to the District Court.

3. This Court, while entertaining the First Appeal, vide order dated 17.08.2005 passed in Civil Application No.4360 of 2004 in First Appeal No.850 of 2004, stayed the execution of the decree, on

condition of depositing Rs.45,000/-. Pursuant thereto, the amount has been deposited and still remained with this Court. The First Appeal has now been dismissed by the District Court. It is not known if a Second Appeal has been filed. As such, the amount in deposit with this Court deserves to be paid to the applicant/plaintiff.

4. The application is allowed in terms of prayer clause (A). The amount be paid with interest accrued thereon.

5. Needless to mention that the applicant/plaintiff is at liberty to initiate execution proceedings for recovery of balance amount.

[R.G. AVACHAT, J.]

KBP