

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1166 OF 2018
IN
FIRST APPEAL NO.621 OF 2021**

The State of Maharashtra Applicant

Vs.

Shri. Shankar Bama Pethkar Respondents
since deceased thru' legal heirs
Smt. Parvatibai Shankar Pethkar
& Ors.

Mr. Y.Y. Dabke, AGP for Applicant-State.

**Coram : MADHAV J. JAMDAR, J.
Date : 23rd DECEMBER, 2021**

P.C.:

1. Heard Mr. Dabke, learned AGP for the Applicant.
Although the Respondents are duly served, none appears for the
Respondents.
2. By separate order dated 23rd December, 2021, the
First Appeal is admitted.
3. By order dated 15th February, 2019 passed in this
Civil Application, subject to deposit of the entire amount as

granted by the impugned order in the Reference Court, within a period of eight weeks, ad-interim relief of stay of execution and implementation of the impugned judgment and order was granted.

4. Mr. Dabke, learned Additional Government Pleader appearing for the applicant states that most probably the order dated 15th February, 2019 is complied with and amount is deposited in this Court, however, he has no positive instructions.

5. Mr. Dabke further states that if in the event, the amount is not deposited as per order dated 15th February, 2019, then the same will be deposited with entire accrued interest within a period of six weeks from today. As the applicant is ready and willing to deposit the entire decretal amount with accrued interest on deposit of said amount within said period of six weeks, execution of judgment and award dated 29th December, 2014 passed by Civil Judge, Senior Division, Panvel in L.A.R. No. 21 of 2002 is stayed till the hearing and final disposal of the First Appeal.

6. It is clarified that the Respondents-Original claimants are entitled to withdraw 50% of the amount as deposited on submitting an undertaking to this Court that in case the appeal is allowed, the Respondents- claimants will bring back the amount with accrued interest in this Court as per further directions.

7. The Civil Application is disposed of in aforesaid terms.

(MADHAV J. JAMDAR, J.)