

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NOS. 1536, 1537 AND 1538/2021 IN
FIRST APPEAL NO. 1602/2019 (DECIDED)

Sushil s/o Motilal Sharam (since deceased) through his legal heirs Smt Sneha Sushilkumar Sharma and others. **Versus** Umeshkumar s/o Motilal Sharma and others.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.C. Dharmadhikari, Advocate for the appellants.
 Shri Piyush Shukla, Advocate for Respondent No.2.
 Ms Rukshar Sk. Adv. h/f Shri M. Anilkumar, Adv. for respondent No.4.

CORAM : S.M. MODAK, J.

DATE : 26/08/2021

CIVIL APPLICATION (CAF) NO. 1536/2021

Heard Shri A.C. Dharmadhikari, learned Advocate for the appellants, Shri Piyush Shukla, learned advocate for respondent No.2 and Ms Rukshar Sk. Adv. h/f Shri M. Anilkumar, learned advocate for Respondent No.4.

Appellant No.3 married on 10/11/2020 and she has gone to U.S.A.. In view of the present pandemic situation, she does not know when she will return to India. Accordingly, she is asking for relaxation from adherence to the conditions imposed by this Court. She had sent email to appellant Nos. 1 and 2, thereby authorizing them to do necessary acts. Copy is tendered and marked as Annexure-X for identification.

It is true that if there is insistence on compliance of the conditions on her part, the further things will be delayed. It is also true that huge amount of cash is pending in the locker in the State Bank of India/Respondent No.4, they are not objecting for

grant of prayer. Otherwise also, appellant Nos.1 and 2 will be complying with the conditions. The necessary modification is also required in other parts of the direction. Hence, the order:-

ORDER

In direction Nos. 5 to 10 of the operative order instead of the words appellants it be substituted by appellant Nos. 1 and 2.

Civil Application is disposed of.

CIVIL APPLICATION (CAF) NO. 1537/2021

Typographical error is pointed out which is appearing in direction No.5 of the operative order, the figures Rs. 1,00,50,000/- be corrected as Rs. 1 Crore 50 Lakhs.

Civil application is disposed of.

CIVIL APPLICATION (CAF) NO. 1538/2021

The Court has granted thirty days time to do the compliance of the order. It is true that for the reasons stated in the application, compliance could not be made.

The appellant Nos. 1 and 2 are granted two months' time to comply with the order from today.

Civil Application is disposed of.

JUDGE