

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
COMMERCIAL APPEAL FROM ORDER NO. 11 OF 2022
WITH
INTERIM APPLICATION NO. 3080 OF 2022
IN
COMMERCIAL APPEAL FROM ORDER NO. 11 OF 2022**

Mangal Damodar Akole & Anr ...Appellants
Versus
Venkateshwara & Ors ...Respondents

**Mr Anant Bobe, with Harshwardhan G Khambate, for the Appellants.
Mr SM Gorwadkar, Senior Advocate, with Hemant Gadigaonkar,
i/b Prabhakar Jadhav, for Respondents Nos. 1 to 3.**

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**CORAM G.S. Patel &
 Gauri Godse, JJ.
DATED: 30th September 2022**

PC:-

1. Both sides agree that no reasons are required for the following consent order.

(a) Respondent No. 2, partner of Respondent No. 1, is present in Court. He instructs Mr Gorwadkar, learned

Senior counsel, to state that by 31st December 2022, the original Defendants Nos. 1, 2 and 3 will deposit with the Trial Court an amount of Rs. 80 lakhs.

- (b) That amount on deposit is to be invested until further orders of that Court.
- (c) Until that deposit is made there will be an injunction against Respondents Nos. 1, 2 and 3, original Defendants Nos. 1, 2 and 3 from parting with possession, alienating, encumbering, or creating any third party rights in respect of the disputed land/property in question.
- (d) If the deposit is not made by 31st December 2022, this injunction will continue until the final disposal of the Suit.
- (e) If the deposit is made by 31st December 2022, this will cease to operate, but any third party rights etc that the 1st, 2nd and 3rd Defendant create will necessarily be subject to the outcome of the Suit.
- (f) The Plaintiffs are at liberty to make an application for withdrawal of the amount deposited. Any such application will be decided on its own merits by the Trial Court uninfluenced by the observations made in the impugned order or in the present order.

2. The Commercial Appeal from Order is itself by consent disposed of in these terms.

3. There will be no order as to costs.

(Gauri Godse, J)

(G. S. Patel, J)