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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application (CAF) No. 3253 / 2016
Alongwith
Civil Application (CAF) No. 301 / 2019
in
First Appeal No. 657 / 2001

Shri. Ulhas Krishnarao Shinde

... Applicant

Versus

Enzymes Pharmaceuticals and Industrial
Chemical Ltd.

... Respondents

Mr. Sandesh Deshpande, Advocate for the Applicant in CAF-3253-2016, CAF-301/2019 and for Respondent in FA-657/2001.

CORAM : SANDEEP K. SHINDE, J.

DATE : 8th FEBRUARY, 2022.

[Through Video Conference]

P.C.

Heard. Mr. Deshpande, learned Counsel for the Respondent-
Original Plaintiff.

1. None appears for the Applicant-Original Defendant.

2. First Appeal No. 657/2001 was instituted by the Defendant No.1 against the money decree passed against him. Pending appeal, Appellant-Defendant deposited Rs. 8,51,932/- in the Registry of this Court. Whereafter, due to revision, in ‘pecuniary jurisdiction’, the appeal was transmitted to the District Court, Raigad at Alibagh. Although the Appellant was duly served, even by publication, he did not cause his appearance. As a consequence, on 8th June, 2015, the learned District Judge disposed of the appeal for want of prosecution.

3. This Civil Application was filed in 2016 seeking to withdraw Rs. 8,51,932/- deposited by the Appellant in the Registry of this Court in First Appeal No. 657/2001.

4. In view of the facts of the case and particularly that the Appellant failed to cause his appearance in the appeal, I do not see any reason to keep the amount, lying in the Registry. Application (no. 3253/2016) is allowed in terms of prayer clause (a).

(SANDEEP K. SHINDE, J.)