

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.20102 OF 2022
IN
CIVIL REVISION APPLICATION NO. 76 OF 2013**

Lalchand Jamna Jagannath & Ors. ...Applicants

Versus

Abdul Rahim B. Attar (deceased)
through legal heirs

Ms. Sujatunissa Abdul Rahim Attar & Ors. ...Respondents

Mr. Pankaj Thatte, for the Applicants.

Mr. A. S. Rao, for Respondent Nos. 1 to 4.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 9th DECEMBER 2022**

P.C. :

1. Heard Mr. Pankaj Thatte, learned counsel appearing for the Applicants and Mr. Rao, learned counsel appearing for Respondent Nos. 1 to 4.

2. Mr. Rao, learned counsel appearing for the Respondents states that he has no objection if prayers in the Interim Application are allowed, however, Respondents be allowed to withdraw the interim compensation. He states that by order dated 10th August 2009, the Appellate Court of Small Causes

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has allowed the Respondents i.e. Original Plaintiffs to withdraw the amount as per contractual rate. Mr. Rao states that at least arrears from 1st April 2020 to 31st July 2022 amounting to Rs.5,04,000/- which is being sought to be deposited by the applicant in terms of prayer clause (b) be allowed to be withdrawn. He states that as far as the deposit of compensation for further period is concerned, the same be deposited in the Court.

3. Mr. Thatte states that he has no objection for said withdrawal however, the same be made subject to the result of the Civil Revision Application.

4. In view of above, the Interim Application is allowed in terms of prayer clauses (a), (b) (c) and (d).

5. The Respondents are at liberty to withdraw the said amount of Rs.5,04,000/- however, the said withdrawal will be subject to the result of Civil Revision Application.

6. The said deposit of Rs.5,04,000/- and deposit upto December-2022 is to be made within six weeks and thereafter the Applicants to continue to deposit the amount as per the order dated 22nd March 2016.

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7. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]