

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

SECOND APPEAL NO.175 OF 2017

Sau. Bebybai w/o Shivaji Kirpan
Vs.
Wasudeo s/o Anandrao Motghare and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. M. Gadkari, Advocate for appellant.
Mr. M. R. Johrapurkar, Advocate for respondent no.1.
Mr. R. T. Anthony, Advocate for respondent nos.2 to 5.
Ms. H. N. Jaipurkar, AGP for respondent nos.6 and 7.

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/09/2022

Civil Application (CAS) No.990/2022

1. Civil Application No.990 of 2022 seeks modification of order dated 2.8.2022, whereby the amount has been directed to be deposited with accrued interest.

2. It is contended that due to the instructions of the Government, the amount was lying in the current account, and therefore, did not carry any interest. It is submitted that there are no instructions by the State, in respect of amounts involved in disputed matters, for depositing such an amount in interest carrying accounts. This creates a rather difficult situation, when the Court directs to deposit or payment of the amount with

interest. It would therefore be appropriate for the State to formulate a policy, in all matters where dispute is raised, that the amount in dispute is deposited into an interest carrying account or fixed deposit of the said amount carrying interest be made so that the successful party would be entitled to the benefit of interest. As of now, the amount with interest @ 8% per annum from the due date till the deposit be deposited in this Court as directed by the order dated 2.8.2022. The grievance of the respondent no.6 as noted above, shall be considered while deciding the Second Appeal finally.

3. Mr. Joharapurkar, learned counsel for the respondent no.1, seeks time to file reply to Civil Application (CAS) No.641 of 2022, list the matter after two weeks.

JUDGE

Sarkate