

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.648 OF 2010**

M/s. Dhawal Properties and another] Appellants
Vs.
Ratnakar Chandrakant Tupe and others] Respondents

.....

Ms. Manjiri Parasnis, for Appellants.

Mr. N.R. Bubna, for Respondent No.1 and 8.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 19th APRIL, 2023.

P.C.

1. In view of the praecipe tendered by the learned Counsel for the appellants, appeal stands disposed of as the dispute has been amicably settled.

2. The Division Bench of this Court (Coram:B.H. Marlapalle & U.D. Salvi, JJ) on 20th October, 2010 had passed the following order;

“ Mr. Killedar states that in obedience of our order dated 26th August, 2010, an amount of Rs.9,90,000/- has been deposited with the registry of this Court on 21st September, 2010 by the appellants. He has placed before us two demand drafts in the total sum of Rs.6,47,500/-. We direct

the registry to accept the same, if presented either today or tomorrow by 11.00 a.m. latest.

We have noted that the principal amount in the impugned decree is Rs.16,37,500/- and simple interest at the rate of 9 per cent per annum has been directed to be paid from 9th January, 2008. This interest amount has not yet been deposited, nor it is included in the demand drafts amount. We grant further one week time to the appellants to deposit the said amount of interest.

All the amounts so deposited shall be invested by the registry in a fixed deposit with any nationalized bank initially for a period of three years.

Stand over for one week”.

3. Learned Counsel for the parties are *ad idem* to apportion the said amount amongst the legal representatives of the respondent – deceased Ratnakar Chandrakant Tupe, in equal proportion along with accrued interest, if any, after due verification.

[PRITHVIRAJ K. CHAVAN, J.]