

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****INTERIM APPLICATION NO. 4291 OF 2023****IN****FIRST APPEAL NO. 217 OF 2020****Kamini Ravindra Sonawane & Ors.****..... Applicants****VERSUS****Khalik Mohamud Anwar Siddiqui****..... Respondent**

Mr.Amol Mhatre a/w. Mr.Sameer Mhatre for the Applicants.

Mr.Santosh G.Shirsat for the Respondent.

CORAM: RAJESH S. PATIL, J.**DATE : 26th OCTOBER, 2023****P.C. :-**

This interim application is filed for seeking withdrawal of the amount deposited by the appellant.

2. It is the case of the applicants that they require the said amount for their maintenance and education of the applicant nos. 2 and 3. It is also submitted that since beginning the appellant has not paid any amount to the applicants even after passing of the interim order, and judgment dated 11th September, 2019 by the trial Court. The applicants are surviving by taking loan from friends, relatives and other borrowers and in order to clear the loans and other liabilities, the said amount is

required to be refunded in favour of the applicants by allowing this application.

3. I have heard both the sides. I have gone through the contents of the interim application. According to me, in the interest of justice, it would be appropriate if the applicant no. 1 is permitted to withdraw Rs.6,00,000/- (Rupees Six Lacs only) of the 'Award' amount deposited by the appellant along with accrued interest as per the ratio mentioned in the impugned Judgment and Award.

4. An amount of Rs.6,00,000/- (Rupees Six Lacs only) of the 'Award' amount awarded to the applicant no. 1 allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before this Court to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

5. The Registry to see that the money is transferred to the account of the applicant no. 1.

6. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

7. All the parties to act on an authenticated copy of this order.

8. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]