

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.326 OF 2024

IN

SECOND APPEAL NO.57 OF 2023

RAJEEV MADGAONKAR (DEC.) THR. LRS ... APPLICANT

Versus

**MADGAONKAR SALVAGE THR. ITS
PARTNER ANIL V. MADGAONKAR ... RESPONDENT**

Mr Parikshit Sawant, Advocate for the Applicants.

CORAM:- M. S. KARNIK, J.

DATED :- 26th July, 2024

P.C.:

Heard learned counsel for the applicants.

2. This is an application for permitting the applicants to withdraw the amount of Rs.2,00,000/- (Rupees two lakhs only) along with accrued interest, if any, which came to be deposited before this Court pursuant to the order dated 20.04.2024.

3. I have perused the judgment dated 13.05.2022 of the Appellate Court. From what has been observed in para nos.11 and 24 of the said judgment of the Appellate Court, the claim for arrears and mesne profits has been given up. Learned Counsel for the applicant submits that the possession has been handed over. In this view of the matter, as the amount of Rs.2,00,000/- (Rupees two lakhs only) was deposited

by way of security and as now the possession has been handed over pursuant to the dismissal of the appeal by this Court and consequently the SLP before the Hon'ble Supreme Court, the application can be allowed in terms of prayer clause A, which reads thus:

"A. The Applicant prays before this Hon'ble Court to permit the Applicant to withdraw the amount of Rupees Two Lakhs, along with interest that has accrued if any which came to be deposited before this Hon'ble Court pursuant to the order dated 20.04.2022."

4. In these circumstances, it would not be necessary to issue notice to the respondent - landlord. Learned counsel for the applicants on instructions of the applicants undertakes that in the event of any difficulty, this amount will be brought back.

5. The application stands disposed of. No costs.

M. S. KARNIK, J.