

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

**INTERIM APPLICATION NO.8160 OF 2024
IN
FIRST APPEAL NO.1053 OF 2014**

Vira Punja Sikotaria & Anr. ..Applicants

IN THE MATTER BETWEEN

The Administrator, Union Territory Daman & Anr. ..Appellants

Versus

Vira Punja Sikotaria & Ors. ..Respondents

Mr. S. R. Nargolkar a/w Ketan Joshi & Neeta Patil, for the Applicants/Org. Respondents.

Mr. Aayush Kedia a/w Amisha Salvi h/f H. S. Venegavkar, for the Respondents/Org. Appellants.

CORAM : KISHORE C. SANT, J.

DATE : 3rd MAY, 2024

PC.

1. This Application is filed by the Applicants/Org. Respondents in the Appeal i.e. original claimants, who succeeded in the suit. Trial Court directed defendant Nos.1 to 3 & 5 i.e. Administrator, Union Territory of Daman and Diu and another to pay an amount of Rs.14,09,548/- to the plaintiffs with interest at the rate of 8% per annum. This Court by order dated 11th September, 2014 had permitted to withdraw amount of Rs.12,00,000/- along with interest on furnishing sufficient security.

Applicants, however, are not in a position to furnish security to the amount and though there is an order in their favour since 2014, they could not withdraw the amount.

2. Heard the parties.

3. It appears that in spite of order dated 11th September, 2014, Applicants are not in a position to furnish security to withdraw the amount. This Court finds that the Applicants are deprived only because of the condition of furnishing security. This Court feels that sufficient care of interest of the Respondents can be taken by directing withdrawal of the amount on undertaking for withdrawal of 50% of the amount. Remaining 25% of the amount would be withdrawn by furnishing security to the satisfaction of the Trial Court. Remaining 25% of the amount be deposited in fixed deposit. Hence, the following order :-

- i) The Application is partly allowed.
- ii) Applicants are allowed to withdraw 50% of the amount i.e. Rs.6,00,000/- along with accrued interest thereon on furnishing undertaking before the Trial Court that in case Appellants succeed in the Appeal, Applicants would redeposit the amount within twelve weeks thereafter.
- iii) Remaining 25% amount i.e. Rs.3,00,000/- be allowed to be withdrawn on furnishing security to the satisfaction of the Trial Court.

- iv) Remaining 25% amount be deposited in fixed deposit to be renewed from time to time till decision of the Appeal.

4. The Application stands disposed of in above terms.

[KISHORE C. SANT, J.]