

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

**FIRST APPEAL NO.754 OF 2024.
WITH
INTERIM APPLICATION NO.8782 OF 2024**

Maharashtra State Road Development Corporation Ltd... Appellant

Versus

Raju Jethanand Wahbi and Anr.

.. Respondents

**Mr.Gautam Ankad, Mr.Mutahhar Khan, Mr.Joshua D'souza a/w
Mr.Chirag Sancheti i/b M/s.Bulwark Solicitors, Advocates for the
Appellant.**

**Mr.Sachin S. Punde a/w Mr.Manjit Thakur, Advocate for Respondents
No.1.**

Mr.A.R.Patil, Addl. G.P. for the Respondent No.3.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 3, 2024

P. C.

1. *Admit.*

**2. With the consent of the parties, Appeal is taken up for hearing
and final disposal.**

3. The First Appeal has been filed challenging the Order dated 4th March 2024 (“Impugned Order”) passed by the learned Civil Judge, Senior Division, Alibag, whereby the Appellant is made a garnishee for satisfaction of the decretal amount in L.A.R. No.262 of 2021 passed in the Judgement dated 8th September 2023 (“Judgement”). The Appellant has challenged the Impugned Order on several grounds.

4. The Public Works Department, State of Maharashtra (Respondent No.3 herein) has filed its Affidavit in reply dated 18th June 2024, in this First Appeal stating that it is the liability of the Appellant to make the payment under the Judgement dated 8th September 2023. Since the Appellant is an undertaking of the State Government, the payment will have to be paid by the Appellant.

5. In these peculiar facts and circumstances, the Appellant is directed to deposit the entire decretal amount under aforesaid Judgement and Award dated 8th September 2023 along with interest upto the date of deposit / realization, in the Reference Court / Executing Court. This deposit will be made within a period of six weeks from today. Respondent No.1 is permitted to withdraw the amount so deposited after furnishing usual

Undertaking / Indemnity Bond before the Reference Court. It is made clear that this Order will not be used as a precedent and is without prejudice to all rights and remedies that may be available to the Appellant in law, particularly since the Appellant was not a party to the original reference order.

6. The Appeal is accordingly disposed of in the aforesaid terms. No order as to costs.

7. In view of the disposal of the Appeal, any Interim Applications pending therein, do not survive and the same are disposed of accordingly.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]