



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10427 OF 2024
IN
FIRST APPEAL NO. 392 OF 2017

Shri. Biswajit Sapan Das.

...Applicant.

In the matter between :

MCGM.

...Appellant.

Versus

Sapan Bupan Das

Since deceased Thr. LRs.

...Respondent.

Mr. Vincent V. Dsilva Mr. Prabhat Dubey for the Applicant.
Ms. Vidya Vyavhare for the Appellant MCGM.

Coram : Sharmila U. Deshmukh, J.

Date : August 12, 2024.

P. C. :

1. Learned counsel appearing for the Appellant would submit that the amount has been deposited as directed by this Court. By order dated 9th December 2019, this Court had permitted the Respondent to withdraw 50% of the amount that would be deposited by the Appellant upon filing undertaking that in event the Appellant succeeds in First Appeal, the Respondent would return the amount with interest at such rate as this Court may direct.

2. The present Applicant is the heir of original Respondent who died during the pendency of appeal.
3. Considering the order of 9th December 2019, the Applicant is permitted to withdraw 50% of the amount deposited by the Appellant subject to the filing of an undertaking as stated in the order dated 9th December 2019.
4. Interim Application stands allowed in above terms.

[Sharmila U. Deshmukh, J.]