



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12243 OF 2024.

IN

FIRST APPEAL NO.1275 OF 2017.

Dattatray Vithal Wayal

...Applicant.

In the matter between:

Vasant Waman Wayal

...Appellant.

Versus

Dattatray Vitthal Wayal

...Respondent.

Mr. Satishkumar Soni for the appellant. (through V/C).

Mr. J. S. Kini a/w. Mr. A. Kini i/b Ms. Sapna Krishnappa for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 2nd September, 2024.

P. C. :

1. Interim Application has been preferred seeking withdrawal of the amount which is deposited by the Appellant before the Trial Court.
2. Learned counsel for the Applicant points out the order dated 4th January 2023 passed by this Court in First Appeal giving liberty to Respondent to execute the interim order if the appellant has not deposited the entire decretal amount.
3. Learned counsel for Applicant would submit that execution

application has already been filed.

4. Considering that liberty was given by this Court to execute the impugned order in event of non-deposit of entire decretal amount and the Appellant has deposited amount of Rs.2,50,000/- before Trial Court which is part of the decretal amount, interim application can be allowed to withdraw the decretal amount which has been deposited in this Court.

5. In light of the above, Interim Application is allowed in terms of prayer clause (a) which is as under:

“(a) That in view of the order dated 4/1/2023 of this Court refusing to stay execution of the impugned order the amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) deposited by the Appellant which is lying to the credit of the above suit, with interest, be directed to be paid over to Respondent.”

[Sharmila U. Deshmukh, J.]