

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

**INTERIM APPLICATION NO.15804 OF 2024
IN
CIVIL REVISION APPLICATION NO.875 OF 2011**

Feroza Pervez Driver & Anr.

....Applicants

V/S

Shavak Dhunjibhoy Mehta
since deceased & Ors.

....Respondents

Mr. Kamalakar L. Koli with Ms. Vaishali P. Benere *for the Applicants.*

Ms. Samkit Jain i/b M/s. P & A Law Office *for Respondents.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 18 DECEMBER 2024.**

P.C.:

1 The Interim Application is filed inter alia seeking permission for withdrawal of the amount deposited by the Revision Applicants in this Court. Paragraph 44 of the judgment and order dated 2 July 2024 in Civil Revision Application No.406 of 2011 reads thus:

“44. As the Civil Revision Application No.875 of 2011 and Civil Revision Application No.406 of 2011 are dismissed, the respondents are permitted to withdraw the amounts deposited by the applicant in this Court, along with accrued interest. Pending Civil Application No.520 of 2013 is also disposed of as allowed.”

2 Despite this Court permitting the Respondents (Applicants in the Interim Application) to withdraw the deposited amount, apparently the Nazir Department is asking for a specific order of this Court. The directions issued in paragraph 44 of the judgment and order dated 2 July 2024 are specific and no further order was necessary for permitting the Respondents (Applicants in the Interim Application) to withdraw the deposited amount with interest. The Nazir Department has unnecessarily driven the Respondents (Applicants in the Interim Application) to file the present Application.

3 Accordingly it is once again directed that the Applicants in Interim Application are permitted to withdraw the amount deposited in this Court alongwith accrued interest. So far as prayer clause (b) in the Interim Application is concerned, the same cannot be granted by this Court and the Applicants will have to adopt appropriate remedies for execution of the decree passed in Mense-profit Enquiry Application.

4 With the above directions, the Interim Application is **disposed of.**

(SANDEEP V. MARNE, J.)

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