

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2 OF 2025

IN

APPEAL FROM ORDER NO. 889 OF 2012

Rajendra Kumar B. Vyas

.....Applicant

IN THE MATTER BETWEEN

Bharat Nana Joshi

....Appellant

Vs.

Rajendra Kumar B. Vyas

.....Respondent

Ms. Bhakti Patil i/b Mr. Prabhu Velar for the applicant

Mr. Abhishek Deshmukh a/w Ms. Bhakti Wast i/b Mr. Sanjiv

Sawant for the respondent

CORAM : GAURI GODSE, J.

DATE : 26th JUNE 2025

ORDER:

1. Not on board. Taken on production board.
2. This application is filed by the original defendant-respondent in Appeal From Order for liberty to withdraw the amount deposited in this Court during the pendency of the appeal. Learned counsel for the applicant submits that the appeal was disposed of as

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.06.27
13:29:25
+0530

infructuous as the suit was decreed during the pendency of the appeal. She submits that while decreeing the suit, learned City Civil Court has permitted the defendant/applicant to withdraw the amount deposited in this Court. The amount was deposited in this Court by the plaintiff pursuant to order dated 3rd September 2012 and the amount was permitted to be invested. In view of the directions issued at the time of decreeing the suit, the defendant has filed this application for permission to withdraw the amount. The directions issued by the City Civil Court while decreeing the suit is not under challenge. Hence, I see no reason to refuse the prayers in the application.

3. In view of the aforesaid, application is allowed and the applicant i.e. Rajendra Kumar B. Vyas (Original defendant/respondent in the Appeal From Order) is permitted to withdraw the amount of Rs. 2 Lakhs with accrued interest.

4. Application is allowed in aforesaid terms.

[GAURI GODSE, J.]