

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11207 OF 2024
IN
SECOND APPEAL NO. 500 OF 2022

M/s. Prakash Traders, A Proprietary
Firm Through Proprietor N.B. Jana
through POA Pramod B. Jana

...Applicants

: Versus :

The Pune Cantonment Board & Ors.

....Respondents

Mr. Ketan A. Dhavle, *for the Applicants in Interim Application and for Respondents in Second Appeal.*

Dr. G.R. Sharma *through Video Conferencing with Mr. Gaurav Sharma and Mr. Tanmay Sakharwade, for the Respondent in the Interim Application- Pune Cantonment Board and for Appellant in Second Appeal*

CORAM : SANDEEP V. MARNE, J.

Dated : 12 March 2025.

P.C. :

1) The Interim Application is filed seeking permission for withdrawal of the amount of Rs.8,50,000/- deposited in this Court by the Appellant in pursuance of interim order dated 20 February 2024.

2) The Appeal was admitted by this Court by order dated 2 December 2022. The Interim Application for stay came to be decided by order dated 20 February 2024 after hearing the learned counsel appearing for both the sides. At the time of passing of order dated 20 February 2024, no request was made on behalf of the Respondent for withdrawal of the

deposited amount. The deposit is directed to be made with a view to secure the decretal amount and investment of the deposited amount by the Registry of this Court ensures that the deposited amount earns interest during the pendency of the Appeal. Having not made a request for withdrawal of the amount at the time of passing of order dated 20 February 2024, the Applicant cannot file a separate application seeking withdrawal of the deposited amount. The deposit is directed to be made to secure interest of the Respondent during pendency of the Appeal. If the Respondent in the Appeal is permitted to withdraw the deposited amount, it will be difficult to bring the same back in the Court in the event of the Appeal being allowed. In that view of the matter, I am not inclined to allow the prayer for withdrawal of the deposited amount. The Interim Application is accordingly **rejected**.

[SANDEEP V. MARNE, J.]

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