

apn

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

INTERIM APPLICATION NO.7040 OF 2025

IN

APPEAL FROM ORDER NO.487 OF 2024

Mohd. Shafiq Taukir Khan alias

Mammu and Anr.

... Applicants

v/s.

Sayed Ejaz Ibrahim & Ors.

... Respondents

WITH

INTERIM APPLICATION NO.1453 OF 2025

Digitally
signed by
ASHWINI H
GAJAKOSH
Date:
2025.11.04
14:33:37
+0530

Adv. Bijal A Chowlera, i/by Adv. Utsav U Mehta and Adv.
Amreen Khan for the Applicant.

Mr. Kezer Kharawala, i/by Lex Juris for the Respondent.

CORAM : Kamal Khata, J.
DATED : 3rd November 2025.

P.C.:-

1. By this Interim Application No.7040 of 2025, the Applicant seeks withdrawal of the interest amount accrued on the principal amount deposited pursuant to the Consent Terms dated 3rd April 2019.

2. The Appellants have already withdrawn an amount of Rs.70 lakhs deposited by the Respondent; however, the accrued interest thereon remains unwithdrawn.

3. The Respondent No.1 had agreed and undertaken to pay the Appellants an additional amount of Rs.15 lakhs towards compensation for delay of 552 days in making payment of Rs.70 lakhs as per the Consent Terms dated 3rd April 2019.

4. Learned Advocate for the Applicant submits that the Applicant is entitled to the interest accrued on the principal amount for three reasons (i) the property was repaired and maintained by them during the intervening period (ii) the principal amount was deposited for payment to the Applicant and (ii) the Respondent had delayed the payment by 552 days.

5. Learned Advocate for the Respondent submits that the Respondent is entitled to the interest accrued as the Applicant is already paid compensation for the delay of 552 days and the amount of Rs 70 lakhs was already withdrawn by the Applicant.

6. Having heard the Advocates and being satisfied with the Applicants submissions, particularly the submissions that the amount was deposited for the Applicants benefit and

there was an admitted delay of 552 days, I find no impediment in allowing the Interim Application as per prayer clause (a).

7. The Registry is directed to release the accrued interest on the sum of Rs.70 lakhs to the Applicants within a period of one week from the date of uploading of this order.

8. The Appeal from Order is already disposed of by an order dated 26th November 2024.

9. In view of the disposal of the Appeal from Order, nothing further survives in the matter. Accordingly, all pending interlocutory applications stand disposed of.

(Kamal Khata, J.)