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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2042 OF 2026
IN
CIVIL REVISION APPLICATION NO. 55 OF 2015**

Khushnuma Ibrabim Khan and Ors ... Applicants

vs.

Mohd Mehtab Khan ... Respondent

Mr. Siddhant Chhabbria a/w. Mr. Inayat Ali Qureshi i/b. K.K.
Associates for the Applicants.

CORAM : GAURI GODSE, J.

DATED : 6th MAY 2026

ORDER:

1. This application is filed by the original plaintiffs in whose favour there was an order of possession in the suit filed under Section 6 of the Specific Relief Act. The civil revision application was filed by the original defendant nos. 5 and 10. By order dated 6th May 2016, the revision applicants were directed to deposit Rs. 25,000/- per month in this court as a condition for stay of the execution of the possession decree. The civil revision application is dismissed on 23rd December 2025.

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2. Learned counsel for the applicants (original plaintiffs) submits that when the civil revision application was dismissed, inadvertently it was not pointed out that the amounts are lying in this court and the applicants be permitted to withdraw the same. He submits that the possession has been taken over pursuant to the decree that was impugned in the civil revision application. He therefore submits that the amounts deposited in this court by defendant nos. 5 and 10 pursuant to the order dated 6th May 2016, be permitted to be withdrawn by the present applicants.

3. I have perused the order dated 6th May 2016. By an order dated 8th May 2015, passed in civil revision application, ad-interim protection was granted in favour of the original defendant nos. 5 and 10, subject to depositing the amount of Rs. 50,000/- per month for continuing to occupy the premises. Thereafter, by order dated 6th May 2016, it was clarified that the amount to be deposited would be 25,000/- per month. Since, the amount deposited by the said original defendants in this court is pursuant to the order passed in the civil revision application as a condition to occupy the premises, the plaintiffs would be entitled to withdraw the same in view of dismissal of the civil revision application.

4. Hence, for the reasons recorded above, interim application is

allowed in terms of prayer clause (a) and (b). The amount deposited in Civil Revision Application No. 55 of 2015, by the revision applicants be permitted to be withdrawn by the present applicants(original plaintiffs) along with accrued interest, if any.

5. Interim Application is allowed in the aforesaid terms.

(GAURI GODSE, J.)