

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 5879 OF 2008
IN
FIRST APPEAL NO. 115 OF 2009

The State of Maharashtra .. Applicants
V/s.
Janardan Mahadu Mundkar since deceased
through his legal heirs
Chandrabhaga Janardan Mundkar and others .. Respondents.

Smt. S.V. Sonwane, AGP for Applicants
Smt. Geeta Mulekar for the Respondent No.3.
Mr. Sachin S. Punde for Respondent Nos. 1a to 1g.

**CORAM : A.M. KHANWILKAR AND
A.A. SAYED, JJ.**

DATED : 17TH AUGUST, 2010.

P.C.

1. The learned Counsel for the newly added respondents CIDCO, acquiring body on instructions states that decretal amount will be deposited within 8 weeks from today.

2. As a matter of fact, the award which is impugned in this appeal pertains to order of 29th March, 2008. By way of indulgence and as last opportunity, we would continue interim order in favour of the applicants, which will enure during the pendency of the appeal, provided the applicants

and/or the newly added respondents were to deposit the entire decretal amount in the trial Court within eight weeks from today, failing which the office shall treat the interim protection so granted in terms of this order stand vacated forthwith without further reference to the Court. In that case it is open to the respondents/claimants to proceed with the execution, if so advised.

4. If the respondents/claimants fail to apply for withdrawal of the amount to be deposited by the applicants within four weeks from the date of deposit, the trial Court shall take steps to invest the said amount in appropriate fixed deposit scheme in the Nationalized Bank soon thereafter. Application is disposed of in the above terms.

(A.A.SAYED,J.)

(A.M.KHANWILKAR, J.)