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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
CIVIL APPLICATION NO.2245 OF 2011 IN
WRIT PETITION NO.3201 OF 1979

The Warana Sahakari Karkhana
Limited at Kodoli & Ors. ...Applicants
vs.
Union of India, New Dehli
and others ...Respondents

Mr.V.B.Rajure for the applicants
Mr.V.S.Gokhale, AGP for the respondent No.2

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : OCTOBER 16, 2015

P.C.:

1 Heard the learned counsel for the applicants.
The first applicant is claiming to be the first
petitioner in writ petition No.3201 of 1979. Writ
petition was disposed of along with connected writ
petitions by the order dated 27th October 2010.
Clause 9 of the said final Judgment and order reads
thus:

"9 Hence, the applications are allowed and
the Registry is directed to refund the
deposited amount with interest accrued
thereon, if any, to the petitioners
forthwith. This order shall be applicable to
all the petitioners-depositors in the
connected writ petitions."

2 By order dated 11th September 2015, the report of the Registry was called for. The report of the registry records that in the writ petition a sum of Rs.11,90,864.71 was deposited. However, the same was invested in fixed deposit for the first time on 1st November 2012.

3 In view of the final order in the Writ petition, the petitioner in the disposed of Writ Petition No.3201 of 1979 are entitled to the refund of the said amount.

4 It is contended that the first writ petitioner was the Warna Sahakari Sakhar Karkhana Ltd. It is contended that the name of the said Karkhana is now changed to Shri Tatyasaheb Kore Warna Sahakari Sakhar Karkhana Limited.

5 Hence, we dispose of the application by passing the following order:

- (i) We direct the first applicant to produce necessary documents before the Registrar (Judicial-I) to show that the name of the first petitioner in the writ petition has undergone change as stated above;
- (ii) If the Registrar (Judicial-I) is satisfied on the documents that the change of the name has been effected, after verifying that the Warna Sahakari Sakhar Karkhana Limited was the first petitioner in the Writ Petition, he shall direct the Registry to refund a sum of

Rs.11,90,864.71 to first applicant herein. If before the investment of the said amount in fixed deposit, any interest has accrued on the said amount, the said amount of interest together with the interest accrued on the fixed deposit shall be paid along with the principal amount;

- (iii) In the event the Registrar (Judicial-I) is not satisfied on the basis of the documents produced by the applicants, he shall submit a report to this Court;
- (iv) Civil application is disposed of on above terms.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)