

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

CIVIL APPLICATION NO.2707 OF 2014

IN

WRIT PETITION NO.7562 OF 2009

Shri. Harishchandra Gulabrao Nimbalkar .. Applicant

Versus

State of Maharashtra and others .. Respondents

Shri. R. S. Ghadge i/by Shri. A. S. Desai, for the Applicant.

Shri. S. D. Rayrikar, AGP for the Respondent Nos.1 and 2.

Ms. Smita Gaidhani, for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 27th MARCH, 2015

PC.

The above Civil Application has been filed seeking refund of the amount of Rs.1,39,000/- deposited by the Applicant/Petitioner in this Court pursuant to the order dated 02.09.2009 passed in the above Writ Petition. The said amount was directed to be deposited in this Court as the Applicant had not deposited 50% of the amount covered by the certificate issued under Section 101 of the Maharashtra Co-operative Societies Act against him. The withdrawal is sought on the basis that the Revision Application in which the said amount was to be deposited has already been disposed of as also the above Writ Petition. In so far as the Revision

Application is concerned, the same came to be disposed in view of the fact that the Applicant has already paid the entire amount covered by the said certificate issued under Section 101 of the Maharashtra Co-operative Societies Act. As indicated above, the said amount of Rs.1,39,000/- was to be deposited in the Revision that was filed by the Applicant so as to facilitate the hearing of the said Revision. In the light of the aforesaid facts, the Applicant would be entitled to refund of the said amount which is still lying in deposit in this Court and is presently invested in a fixed deposit. The Learned Counsel for the Respondent No.3 i.e. the Society has no objection to the said amount being withdrawn by the Applicant. The Civil Application is accordingly allowed. The Applicant would be entitled to the refund of the said amount of Rs.1,39,000/- along with accrued interest. The same to be refunded to the Applicant expeditiously. The Applicant to pay costs of Rs.2,000/- to the Respondent No.3 within four weeks from date. The Civil Application is accordingly disposed of. Parties to act on a copy duly authenticated by the Court Shirestedar.

[R.M. SAVANT, J]