

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 5047 OF 2016
IN
WRIT PETITION NO. 5468 OF 2012**

Prakash Krishnarao Kulkarni .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Kishor C. Sant, Advocate for the Applicant.
Shri B. V. Virdhe, A.G.P. for Respondent the No. 1.
Shri A. S. Bajaj, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 15TH JULY, 2016.

PER COURT :

. The present application is filed for withdrawal of Rs. 4,00,000/- along with accrued interest on it, deposited by the non applicant No. 2 to 4 pursuant to the orders of this Court.

2. Mr. Sant, the learned counsel for the applicant submits that, the amount has been deposited by the non applicant Nos. 2 to 4 on 24.01.2013 pursuant to the orders of this Court. The writ petition is eventually allowed and the claim of the applicant has been upheld, as such the petitioner is entitled for the amount of

Rs. 4,00,000/- along with accrued interest on the said amount of Rs. 4,00,000/- kept in the fixed deposit. The learned counsel submits that, even as per the calculations submitted by the non applicants, applicant is entitled for payment of amount of Rs. 13,103/-. The non applicants be directed to pay the same.

3. Mr. Bajaj, the learned counsel for non applicant Nos. 2 to 4 submits that, this Court has specifically refused the request of the applicant for grant of interest and the applicant is only entitled for Rs. 4,00,000/- and the present non applicants will be entitled for the interest on Rs. 4,00,000/-, which is accrued. The applicant can withdraw Rs. 13,103/- from the interest amount and the remaining interest amount is required to be paid to the non applicant Nos. 2 to 4.

4. We have considered the submissions canvassed by learned counsel for respective parties. It is fact that, we have denied claim of interest to the applicant on the ground that it was bonafide dispute between the parties, however, denial of the interest would be from the date of termination till the date of deposit. Whenever a party successful in the writ petition is held entitled to the amount which is kept in the fixed deposit by this Court, the successful party would be entitled for the accrued interest on the said amount.

5. As per the calculations of the corporation, if, the said amount of Rs. 13,103/- is payable to the applicant, then the non applicants shall pay said amount of Rs. 13,103/- to the applicant expeditiously and preferably within a period of four (04) weeks from today. The applicant is allowed to withdraw Rs. 4,00,000/- (Rs. Four Lacs only) deposited by non applicant Nos. 2 to 4 along with accrued interest, if any. The civil application is disposed of.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 16