

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15767 OF 2015
IN WP/10359/2013

RAMESH RAMKRISHNA KUTE
VERSUS
THE AURANGABAD PEOPLES CO-OPERATIVE BANK LTD.

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Advocate for Applicant : Shri Sapkal V.D.
Advocate for Respondent : Shri Shinde P.M.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 06, 2016
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PER COURT :-

1. Shri Sapkal, learned Advocate has appeared on behalf of the applicant / original respondent in the petition. As such, the appearance of Shri Kawre, learned Advocate is discharged from this matter.
2. I have heard Shri Sapkal and Shri Shinde, learned Advocates for the respective sides.
3. The applicant has prayed for withdrawal of Rs.2,00,000/- which have been deposited in this Court by the respondent / management. By an earlier order passed by this Court dated 8.12.2014, in Civil Application No.3979 of 2014, the applicant was permitted to withdraw Rs.3,00,000/- against the surety furnished by him. It is stated that the surety placed on record is with regard to the house property of the applicant. A surety-cum-undertaking was also filed on 13.10.2014.
4. Shri Shinde has strenuously opposed this application on the ground that the legal dues of the applicant are much less. Rs.5,00,000/- were deposited by the original petitioner / non-applicant. Rs.3,00,000/- have already been withdrawn. It would be difficult to recover the amount if eventually, the applicant fails and the petitioner / management succeeds in the Writ Petition.

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5. I have considered the submissions of the learned Advocates and have gone through the reasons cited in the application. The education of the children is a primary reason cited as the daughter of the applicant is pursuing her studies at Mumbai.

6. In the light of the above, this application is allowed. The applicant may withdraw the amount of Rs.2,00,000/- from this Court by executing a surety-cum-undertaking duly affirmed similar to the one filed on 13.10.2014. So also, he shall place on record the original P.R. card along with the original copy of the Occupancy Certificate and a Photostat copy of his Election Identity Card and Aadhar Card. Only after these documents as directed are produced along with the surety-cum-undertaking, the applicant would withdraw the amount as prayed.

(RAVINDRA V. GHUGE, J.)

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