

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.2988 OF 2015
IN
FIRST APPEAL NO.961 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.H.H.Trivedi for the applicant
Mr.Sandeep Bhagwat for the respondent

**CORAM : K. K. TATED, J.
DATED : 12/02/2016**

PC.:

. Heard the learned counsel for the parties.

2 This application is preferred by defendant for seeking direction to the Registrar to transfer amount in their account as per order dated 20.9.2011 passed by this court in Civil Application No.2667 of 2010 in First Appeal No.961 of 1010.

3 The learned counsel for the applicant submits that this court by order dated 20.9.2011 passed in Civil Application No.2667 of 2010 granted liberty to the applicant to withdraw sum of Rs.30,000/- per month for the period commencing from 13.10.2007 till 31.7.2010. By that order, court also permitted applicant to withdraw sum of Rs.30,000/- per month for further period. He relies on paragraph 5 and 6 of the said order which reads thus:

“5. It will be open for the respondents to withdraw the compensation @ Rs.30,000/- per month for the period commencing from 13th October, 2007 till 31st July, 2010. The withdrawal will be subject to final outcome of the appeal.

6. Out of the compensation which may be deposited in future, it will be open for the respondents to withdraw a sum of Rs.30,000/- per month. Withdrawal will be subject to final outcome of the appeal.”

4 The learned counsel for the applicant submits that as required by the Registrar they submitted particulars for receiving the payment by ECS/NEET as per 'Annexure-A' in the department. Advocate for the applicant placed on record photocopy of the same. Same is taken on record and marked 'X' for identification. He submits that office may be directed to remit the amount which is entitled by the applicant as per order dated 20.9.2011 in Civil Application No.2667 of 2010 in their account having in AXIS bank Ltd. as stated in Annexure 'A'.

5 The learned counsel for the applicant submits that applicant is not pressing prayer clause (b).

6 Statement is accepted.

7 On the other hand, the learned counsel for the respondent vehemently opposed the present Civil Application. He submits that applicant has not made out any case for allowing the present Civil application.

8 Considering the above mentioned facts and circumstances, it is clear that this court by order dated 20.9.2011 in Civil Application No.2667 of 2010 permitted applicant to withdraw certain amount.

9 Considering these facts, I am satisfied that the applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

(A) Registry is directed to remit the amount payable to the applicant as per order dated 20.9.2011 in Civil Application No.2667 of 2010 in their Savings Bank Account bearing no.912010007180830 of Axis Bank Ltd., Andheri (W), Mumbai.

(B) Civil Application is disposed of accordingly.

(K.K.TATED, J.)