

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

CIVIL APPLICATION NO.805 OF 2016
IN
WRIT PETITION NO.644 OF 2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Neeta Karnik for the applicant

None for the respondent

CORAM : K. K. TATED, J.
DATE : AUGUST 3, 2016

P.C.:

1 Heard the learned counsel for the applicant.

2 This application is preferred by original plaintiff for withdrawal of entire amount of interest lying with the Registry of this court.

3 In the present proceeding, the applicant original plaintiff filed Special Civil Suit No. 203 of 1997 in the court of Joint Civil Judge, Senior Division, Thane. That Suit was decreed by Trial Court on 30.11.1999 and directed respondents defendants jointly and severally to pay the amount of Rs.6,71,104/- together with future interest @ 24% p.a. on the principal amount from filing of Suit till realisation of entire amount to the plaintiff.

4 The learned counsel for the applicant submits that respondent defendant filed application for setting aside the ex-parte decree. Same was rejected by Trial Court. Thereafter, defendant preferred Writ Petition No.644 of 2010 in this court. At that time, this court directed defendant to deposit the amount in the Registry and that amount be invested in fixed deposit. Thereafter, Writ Petition stands rejected.

5 The learned counsel for the applicant submits that after dismissal of Writ Petition, applicant withdrew the said amount as per courts order. She submits that some interest is lying with the Registry in the account of Writ Petition No.644 of 2010. She submits that as the petition stands disposed of by this court by order dated 16.4.2015, applicant is entitled to withdraw entire amount including interest.

6 Considering the submissions made by the learned counsel for the Applicant and the order dated 16.4.2015 passed by this court (Coram: M.S.Sonak, J.) in Writ Petition No.644 of 2010, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“a) This Hon'ble Court be pleased to direct the court Registry/Nazar Department to forthwith release in favour of Applicant the entire amount of interest, accrued upon the decretal amount deposited by the petitioners, which is still lying with the Court Registry/Nazar Department.”

(b) Civil application stands disposed off accordingly.

JUDGE