

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR**

WRIT PETITION NO.250 OF 2015

SHRI BIRENDRAKUMAR S/O SAHDEO GOP AND ANOTHER

VS

M/S HANUMANT INFROATECH PRIVIATE LTD. AND ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. M. N. Hiwase, Advocate for the applicants.
Shr U. P. Dable, Advocate for respondent no.1.
Shri A. B. Tikle Advocate for the respondent no.2.

CORAM : A.S. CHANDURKAR, J.**DATED : JULY 26, 2016.**

The order dated 31-12-2014 passed by the trial Court refusing permission to the plaintiff no.1 to withdraw an amount of Rs.10,00,000/- that has been deposited by the defendants is under challenge. In Appeal From Order No.64/2012 that was decided on 19-6-2012, this Court had directed the defendants to deposit an amount of Rs.15,00,000/- with a view to secure the interest of the plaintiffs. On such deposit, the defendants were permitted to carry out the construction as per the sanctioned plan and also deal with the aforesaid property. Considering the observations made in para 6 of the aforesaid order that amount was directed to be deposited to secure interest of the plaintiffs, no fault can be found with the impugned order refusing permission to the plaintiff no.1 alone to withdraw the aforesaid amount. There is no case made out to interfere in writ jurisdiction. The petition is, therefore, dismissed. No costs.

JUDGE

C E R T I F I C A T E

“ I certify that this Order uploaded is a true and correct copy of original signed Order.”

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Personal Assistant.

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