

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CA(N) NO. 36/2016 AND CONTEMPT PETITION NO. 157 OF 2014
IN WRIT PETITION NO. 6465 OF 2013

(Shyam Dadasaheb Jibhkate vs. Shri Sanjay Wasantrao Dorlikar, Education Officer (Sec.), ZP,
Wardha)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
MAY 05, 2016.**

Heard Shri A.Z. Jibhkate, learned counsel for the petitioners and Shri A.S. Fulzele, learned AGP for the respondent.

Shri Jibhkate, learned counsel submits that 50% of the amount payable to Petitioners is already received by them and balance 50% is deposited with the Registry of this Court. They, therefore, sought permission to withdraw that amount and submitted that as the order is complied with, Respondent No. 1 may not be prosecuted further.

The learned AGP yesterday sought time to find out whether any amount can be allowed to be withdrawn by the petitioners. Today, upon instructions, he states that the amount already deposited can be withdrawn by the petitioners.

Shri Jibhkate, learned counsel has invited our attention to paragraph 3 of the civil application. He submits that petitioner No. 1 is entitled to withdraw an amount of Rs.7,87,357/- while petitioner No. 2 is entitled to withdraw

an amount of Rs.6,02,426/- and petitioner No. 3 has to withdraw an amount of Rs.40,211/-. He submits that the amount in deposit with the Registry of this Court needs to be split between the petitioners accordingly.

The learned AGP submits that he has no instructions about inter se entitlement of the respective petitioners.

The amount in deposit is allowed to be withdrawn by the petitioners as per figures mentioned supra. However, all the petitioners shall file their affidavits accepting their entitlement as also entitlement of each other, thereafter only the said amount with proportionate interest accrued upon it shall be allowed to be withdrawn by them.

As the grievance of the petitioners is redressed, Contempt Petition No. 157 of 2014 as also CAN No. 36 of 2016 are disposed of. No order as to costs.

JUDGE

JUDGE

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