

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5699 OF 2016

M/S VIJAY CONSTRUCTIONS COMPANY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri J.N.Singh
AGP for Respondents: Shri S.K.Tambe

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 19, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 19.3.2016, by which, the Appeal Court has rejected application Exhibit 3, filed by the petitioner in RCA No.177 of 2015 for seeking withdrawal of the entire deposit amount.

2. This Court, by order dated 26.2.2015, had issued notice in the First Appeal, which was filed before this Court as per the pecuniary jurisdiction existing at the relevant time. 50% of the decreed amount was directed to be deposited in this Court. Subsequently, with the change in the pecuniary jurisdiction, the First Appeal was transmitted to the learned District Judge-III, Beed and was registered as RCA No.177 of 2015. Ever since the impugned order has been passed, the petitioner has not been permitted to withdraw the amount for the period of about 16 months, and the said amount has been invested in a fixed deposit with the Bank.

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3. Notwithstanding the submissions of the learned Advocates, all the contentious issues will have to be decided by the appeal Court and the claim of the petitioner on the said amount rests on the verdict of the appeal Court.

4. Considering the above, I deem it proper to dispose off this petition without causing any interference in the impugned order by directing the appeal Court to decide the appeal as expeditiously as possible and preferably on/or before 30.11.2017.

5. Writ Petition is, therefore, disposed off. The Appeal Court shall decide RCA No.177 of 2015 on/or before 30.11.2017.

(RAVINDRA V. GHUGE, J.)

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