

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 707 OF 2016

IN

WRIT PETITION NO. 237 OF 1998

SHRI. MAHESH G. BANDEKAR.,

... Applicant

Versus

ASST. REGISTRAR OF CO.OP.
SOCIETIES/RECOVERY OFFICER,
PANAJI.,

... Respondent

Mr. Vallabh D. Pangam, Advocate for the applicant.

Mr. S. R. Rivankar, Advocate for respondent no.2.

Mr. Vishwadh Sardessai, Additional Government Advocate for
respondent nos.1 and 3.

Coram:- C. V. BHADANG, J.

Date:- 5th January, 2017

P.C.

In pursuance of the order dated 29/06/1998 passed in W.P.No.237/1998, the applicant (petitioner) had deposited Rs.87,000/- on the same day. Prior to that, Rs.75,000/- was deposited.

2. The learned Counsel for the petitioner submits that the said writ petition was filed against a notice proposing auction, issued by the second respondent. It is submitted that subsequently, the claim of the second respondent, has been settled in its entirety and there is a letter dated 07/07/2010, issued by the second respondent that the entire loan amount is paid and the loan account is closed. In such circumstances, the applicant is seeking withdrawal of the amount lying before this Court.

3. Shri Rivankar, the learned Counsel for the second respondent and the learned Additional Government Advocate for respondent nos.1 and 3, have no objection for releasing the amount.

4. In such circumstances, the application is allowed. The amount lying before this Court along with interest, if any, shall be released in favour of the applicant, on proper identification.

C. V. BHADANG, J.

SMA