

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION STAMP NO.2169 OF 2017
IN
WRIT PETITION NO.1886 OF 2015**

**Mrs. Khatijabeo Mustan Ali Shaikh and anr. : Applicants.
versus
Mrs. Vaishali Namdev Bhagat and ors. : Respondents.**

**Ms. Sharon Patole i/by Mrs. Swait U Mehta for the Applicants/Original
Respondent No.No.1.**

Mr. Siddhesh Pilankar i/by Mr. Nikhilesh Pote for the original Petitioner.

**CORAM : R. M. SAVANT, J.
DATE : 07th February 2017**

P.C.

1 The above Writ Petition has been withdrawn by the Petitioner on 04/07/2016 in view of the out of Court settlement between the parties. In terms of the order passed on the said day in the above Petition, the original Respondent Nos.1 and 2 were granted liberty to withdraw the amount deposited by the Petitioner in this Court with interest accrued thereon if any. The Applicants herein i.e. the original Respondent Nos.1 and 2 sought to withdraw the amount from the Registry of this Court, however, the said withdrawal was not permitted in view of the discrepancy in the I.D. proof. The discrepancy was in respect of the names of the Respondent Nos.1 and 2 appearing in the Petition viz-a-vis their names appearing in their I.D. proof.

2 The above Civil Application has been filed by the Applicants i.e.

the original Respondent Nos.1 and 2 praying that they may be allowed to withdraw the amount deposited by the original Petitioner in this Court. The Applicants also sought an alternate relief by way of prayer clause (b) that the amount be refunded to the original Petitioner who would then pay the amount to the Applicants i.e. the original Respondent Nos.1 and 2.

3 The learned counsel for the original Petitioner Shri Siddesh Pilankar on instruction of Shri Nikhilesh Pote the learned counsel appearing for the original Petitioner states that the original Petitioner has no objection to prayer clause 11(b) being granted. The said prayer reads thus :-

“b) The applicant further pray that if the Hon'ble Justice is not satisfied with the documents and Bank passbook filed by us, necessary order may be passed to refund the said amount with accrued interest to the opposite party i.e. Original Appellant, and we will accept the said amount of cheque from Opposite Party i.e. Appellant herself.”

He further states that the original Petitioner on withdrawal would pay the amount to the Respondent Nos.1 and 2. Statement accepted.

4 In view thereof, the above Civil Application is allowed and made absolute in terms of prayer clause 11(b). The above Civil Application is

accordingly disposed of. The original Petitioner may withdraw the amount with accrued interest, if any within two weeks from date and would pay the same to the Respondent Nos.1 and 2 within one week thereafter.

[R.M.SAVANT, J]