

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.357 OF 2017
IN
FIRST APPEAL NO.1218 OF 2016

M/s.Shristee Nursery System Pvt. Ltd. ... Applicant

IN THE MATTER OF:

State of Maharashtra ... Appellant

Vs.

M/s.Shristee Nursery System Pvt. Ltd. & anr. ... Respondents

Mr.Pravin Dabade i/b Babita P. Pandey for the Applicant
Mr.Ameet Palkar, AGP, for Respondent – State

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 27th SEPTEMBER, 2017

P.C.:

1. The application is moved for withdrawal of the amount, deposited by the defendant. It is submitted by the learned Counsel for the applicant that the applicant/plaintiff has filed suit for money recovery of an amount of Rs.38,38,113/-. The suit was decreed with interest @ 14%. The learned Counsel submits that the suit No.565 of 1999 was filed for long standing dues and therefore, the interest amount of Rs.1,35,59,708/- was deposited by the defendant on 14.10.2016. He submits that he be allowed to withdraw the

remaining amount. He also submitted that the Division Bench confirmed the principal amount of Rs.38,38,113/- was due and there is no dispute on this point.

2. Learned Counsel for the appellant/respondent submits that there is no issue in respect of the principal amount of Rs.38,38,113/-, which was due. However, the appeal is mainly filed challenging the rate of interest and other issues and, therefore, the amount is not to be granted.

3. In view of the submissions of the learned Counsel for both the sides, as the principal amount is not disputed and earlier an amount of Rs.40,67,812/- was allowed to be withdrawn in the year 2006, an amount of Rs.30 lakhs is now allowed to be withdrawn on the applicant furnishing a usual undertaking in the trial Court.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)