

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.410 OF 2017
IN
WRIT PETITION NO. 6599 OF 2015**

Shivkala Sahakari Griha Rachna Sanstha Maryadit ..Applicant

IN THE MATTER BETWEEN

Chandrakant P. Mahajan ..Petitioner

Vs.

**Shivkala Sahakari Griha Rachna Sanstha Maryadit
and others**

..Respondents

**Mr. N. N. Wadikar i/by Mr. N. V. Pawar for the Applicant/original
Respondent.**

Mr. S. S. Patwardhan for the Respondent/original Petitioner.

CORAM : R. M. SAVANT, J.

DATE : 10th MARCH, 2017

P.C.

1 The Learned Counsel for the original Petitioner Mr. S. S. Patwardhan states that on account of mis-calculation, there is a deficit of an amount of Rs.88,525/- in the amount which was required to be paid in terms of the interim order dated 17-10-2016. The Learned Counsel on instructions makes a statement that the said amount of Rs.88,525/- would be deposited with the Applicant society i.e. Shivkala Sahakari Griha Rachna Sanstha Maryadit within 10 days from date i.e. on or before 20-3-2017.

2 One of the reliefs sought in the above Civil Application is that the

Applicant be permitted to withdraw the amount which has been already deposited in this Court, which is the amount of Rs.2,25,310/-. The Civil Application is accordingly allowed in terms of prayer clause (b). The Applicant is allowed to withdraw the said amount of Rs.2,25,310/- deposited by the original Petitioner in this Court. The withdrawal of the said amount as also the acceptance of the amount of Rs.88,525/- would be without prejudice to the rights and contentions of the parties as regards whether the original Petitioner is required to pay compound interest or simple interest. In so far as the prayer (c) is concerned, the said prayer is rejected. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]