

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

**CIVIL APPLICATION NO.3037 OF 2016
IN
WRIT PETITION NO.6939 OF 1999**

Suryakant Dnyanoba Thengil ..Applicant

IN THE MATTER BETWEEN

**Vatsalabai Dnyanba Thengil
(Since deceased through her legal heirs)
Vaibhav Prithviraj Thengil and another ..Petitioners**

Versus

The Commissioner of State Excise and others ..Respondents

**Shri. Mahesh Gawde i/by Ms. Veena Thadani for the Applicant.
Shri. Santosh B. Sitap i/by Shri. S. G. Kudle for the original
Petitioners/Respondents.**

**CORAM : R. M. SAVANT, J.
DATE : 20th JANUARY, 2017**

PC.

1 The above Civil Application has been filed for the following
relief :-

“(a) that the Department/Registrar be directed to allow Mr. Suryakant Dnyanoba Thengil, the Applicant (Original Respondent No.3E) and allow him to withdraw the amounts deposited in the Hon'ble High Court in accordance with the Consent Terms dated 8/3/2000 in the Writ Petition No.6939 of 1999;”

2 The Applicant is the Respondent No.3E and is the heir of the original Respondent No.3, Smt. Kalavatibai Thengil. The heirs of the said

(10) - CAW-3037-16.doc.

Respondent No.3 are the Respondent Nos.3A, 3B, 3C, 3D, 3E, 3F and 3G. In terms of the order dated 08.03.2000, the original Petitioner and the Respondent No.3 are entitled to withdraw the amounts in the proportion of 50% each. It seems that the original Petitioner has already withdrawn the amounts, whereas the amounts, which the Applicant heir of the Smt. Kalavatibai Thengil is entitled to, have remained to be withdrawn. The other heirs of the original Respondent No.3 i.e. Respondent Nos.3A, 3B, 3C, 3D, 3F and 3G have executed a Power of Attorney in favour of the Applicant i.e. Respondent No.3E thereby authorizing the Applicant to withdraw the amounts lying in deposit in this Court. The Learned Counsel appearing on behalf of the original Petitioner Shri. Santosh B. Sitap states that he has no objection to the amounts being withdrawn by the Applicant and the Civil Application being allowed in terms of prayer clause (a). The Civil Application is accordingly allowed and made absolute in terms of prayer clause (a). The Civil Application is accordingly disposed of.

3 Parties to act on a copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]