

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.747 OF 2017
IN
WRIT PETITION NO.3805 OF 2013

Shaikh Akhtar Abdul Gani & Ors. Applicants

Vs.

Smt. Revati Laxman Sade & Ors. Respondents

Ms. Najma Sharif, Advocate for the Applicants.
None for the Respondents.

CORAM : G.S. KULKARNI, J.
DATE : 13 JULY, 2017

P.C. :

1 Heard the learned counsel for the applicants. None for the respondents. The learned counsel for the applicants has tendered affidavit of service, it is taken on record to submit that the respondents are served.

2 By this application, the applicants-petitioners pray that they be permitted to withdraw the amount of Rs.1,00,000/- deposited by them pursuant to the order dated 26th April, 2013

passed by this court.

3 This court, by its order dated 25th July, 2016 dismissed the writ petition of the petitioners. However, as stated by the applicants, the consequential orders permitting withdrawal of the amount remained to be passed. By an ad-interim order dated 26th April, 2013, this court had directed the applicants-petitioners to deposit the amount of Rs.1,00,000/- within a period of eight weeks from the said order. The said order reads as under :

“Issue notice, returnable after eight weeks.

2. By way of ad-interim order, it is directed that though execution proceedings may be proceeded in accordance with law, there shall be stay to the actual delivery of possession, on the condition that the petitioners shall deposit Rs.1.00 lakh in this court within a period of eight weeks from today.”

4 There is no opposition to this application. There is no reply filed. The prayer of the applicants appear to be reasonable in as much as the learned counsel for the applicants makes a statement that the applicants shall be vacating the suit premises on 25th July, 2017. The statement is accepted. After the applicants

vacate the suit premises and to that effect place an affidavit on the record of this application, that they have vacated the suit premises and handed over the suit premises to the respondents, the applicants would be permitted to withdraw the amount of Rs.1,00,000/- as deposited by the applicants. Accordingly, office to permit the applicants to withdraw the said amount, on the applicants' filing an affidavit stating that they have vacated the suit premises and only after appropriate verification of the said fact by the office, the amount of Rs.1,00,000/- as deposited permitted to be withdrawn alongwith the interest accrued, if any. The Civil Application is accordingly disposed of. No costs.

(G.S. KULKARNI, J.)