

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

**CIVIL APPLICATION NO.3386 OF 2015
IN
WRIT PETITION NO.7308 OF 2015**

**Mr. Jagannath S Ambre and anr. : Applicants
versus
Mr.Navnath Gangaram Shinde
and others : Respondents.**

**Mr. Awadhesh R Pandey for the Applicants.
Mr. Vijay D Patil a/w Mr. Sandeep Kocharekar i/by Mr. Tushar L Pimple for
the Original Petitioner.**

**CORAM : R. M. SAVANT, J.
DATE : 19th APRIL 2017**

P.C.

1 The above Civil Application has been filed for two fold reliefs namely the Applicants - original Respondent Nos.1 and 2 be allowed to withdraw the amount of Rs.2,50,000/- deposited by the original Petitioners in this Court as also withdraw the amount of Rs.10,000/- being deposited by the original Petitioner per month as interim compensation.

2 The said amounts have been deposited pursuant to the order dated 25/08/2015 passed in the above Writ Petition. The said order makes it ex-facie clear that the deposited amount is to be invested in a fixed deposit of a nationalized bank implicit in the said directions is the rejection of the prayer for being permitted to withdraw the amount. A contentious issue arises in the

above Petition as regards whether there is a relationship of licensor or licensee between the Applicants-Original Respondent Nos.1 & 2 and the original Petitioner. In my view, therefore the prayer for withdrawal of the amounts cannot be allowed. In so far as the second prayer is concerned, the above Petition is of the year 2015 and therefore cannot gain over precedence over older matters. Hence the said prayer cannot be acceded to. The above Civil Application is accordingly rejected.

[R.M.SAVANT, J]