

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.400 OF 2017
IN
WRIT PETITION NO.1641 OF 2005

M/s. Sailesh Developers and Anr.

...Applicants

vs.

The Joint Charity Commissioner,
Maharashtra and Others

...Respondents

Mr. V.L. Desai i/b. Mr. D.G. Rangras, for the Petitioners/Applicants
Mr. Sharad Wakchoure i/b. M/s. Kishore Thakardas & Co., for the
Respondent No. 8.

CORAM : SHANTANU KEMKAR &
SMT. ANUJA PRABHUDESSAI, JJ.

DATE : SEPTEMBER 13, 2017

P.C.:

. The Applicants have approached this Court since the office of the office of the Prothonotary & Senior Master has refused to release the interest, accrued on amount deposited by the present Applicants as directed by this Court vide order dated 20th December, 2005 passed in Writ Petition Nos. 1641 of 2005. In the order dated 7th July, 2017, the Prothonotary and Senior Master has submitted that since the order of the Hon'ble Supreme Court dated 1st of February, 2017 does not refer to the release of accrued interest, the interest amount is not released. It could thus be seen

that Lordships of the Apex Court has observed that the order passed by this Court shall not to be treated as the precedent and the the writ petition pending before this Court also rendered infructuous.

2. In this background, the Lordships of the Supreme Court have directed that the amount which was deposited by the Respondents before the Apex Court be refunded to them and had also disposed of the petition before this Court as rendered infructuous. It is thus clear that if the amount as deposited in this Court has to be released, as a consequence any interest accrued thereon on account of amount being invested in fixed deposit receipt is also entitled to be released to the Applicants (Respondents before the Apex Court).

3. The Notice of motion is therefore, made absolute in terms of prayer clause (a), and is accordingly disposed of.

(SMT.ANUJA PRABHUDESSAI, J.) (SHANTANU KEMKAR, J.)