

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.1060/2017
IN
FIRST APPEAL NO.766/2016

Executive Engineer, Minor Irrigation Division
..Vs..
Shankar Dattarrao Magar and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.K. Paliwal, Adv. for the applicant / respondent No.1.
Shri V.G. Palshikar, Adv. for the appellant.

CORAM : Z.A.HAQ, J.

DATE : 3.7.2017.

Heard.

The applicant / respondent No.1 had filed Civil Application (CAF) No.3108/2016 praying that he be permitted to withdraw the amount deposited by the appellant. This application is dismissed by the order passed by this Court on 26th September, 2016. The applicant has again reiterated the prayer by this application.

The learned Advocate for the applicant / respondent No.1 submitted that in the earlier application it was prayed that the respondent No.1 be permitted to withdraw the entire amount deposited by the appellant, however, now the applicant / respondent No.1 submits that he be permitted to withdraw 30% of the amount deposited by the appellant. It is further submitted that

the respondent No.1 is required to repay the amount of loan. To support this submission copy of notice issued by Vidarbha Konkan Gramin Bank Malegaon Branch on 1st January, 2016 and Buldhana Urban Co-operative Credit Society Limited, Buldhana on 5th January, 2017 are placed on record.

The notice issued by Vidarbha Konkan Gramin Bank Malegaon Branch reflects that the applicant is running “Adat Dukan” (Commission Agent) and the loan was taken for decoration of pendal. Considering the facts of the case, specially that earlier application filed by the applicant / respondent No.1 is dismissed, the prayer made in the application cannot be granted. The application is **dismissed**.

JUDGE

Tambaskar.