

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 936 OF 2018
IN SA/170/2015

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
PRAMILA RAVINDRA CHAUDHARI

...
AGP for Applicants : Shri Tambe S.K.
Advocate for Respondent : Shri Dhorde P.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 02, 2018

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PER COURT :-

1. By this Civil Application, the State prays for withdrawal of Rs.1,00,000/- that were deposited in this Court under the orders of this Court dated 18.4.2015 in Civil Application No.7254 of 2014.

2. By the judgment of this Court dated 28.10.2015, the Second Appeal was allowed and the judgment and decree of the trial Court as well as the first appellate Court was set aside. The lady, who was masquerading to be the wife of the retired employee when the real wife had already passed away, was permitted to lift the pensionary benefits only upto 31.1.2004.

3. Learned counsel for the original respondent in the Second Appeal, strenuously opposes this application. He submits that though she may have lost before the trial Court after the judgment of this Court dated 28.10.2015, her appeal is pending. Therefore, the applicant

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should not be allowed to withdraw the money.

4. It cannot be ignored that this Court had passed the order directing the State to deposit Rs.1,00,000/- as a condition for granting interim protection during the pendency of the Second Appeal, in view of the attachment warrant issued against the State for an amount of Rs.98,000/-.In any case, the original plaintiff's case is that she is the real wife of the deceased employee Ravindra Chaudhary. In the event, it is proved that Pramila is the real wife of deceased Ravindra Chaudhary the issue would be as regards payment of pensionary benefits. This amount of Rs.1,00,000/- can not, therefore, be delivered to Pramila as her identity as Pramila Ravindra Chaudhary or Asha Natthu Rane is yet to be established.

5. The Civil Application is, therefore, allowed. The applicant / State is permitted to withdraw the amount of Rs.1,00,000/- along with accrued interest, through an authorized representative, after being identified by the learned AGP and on furnishing identity proof and authorization letter from the concerned department. The whole amount after withdrawal shall be deposited with District Treasury Office, Jalgaon forthwith.

(RAVINDRA V. GHUGE, J.)