

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1412 OF 2018
IN SA/185/2015

HIMATLAL LALCHAND DESAI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Shri Bhide Vinod Y.
AGP for Respondents: Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 01, 2018
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PER COURT :-

1. The applicant submits that a money decree has been challenged in this Court. The total recoverable amount from the Government is more than Rs.2,00,000/-. Rs. 70,000/- have been deposited under the order of this Court dated 30.4.2015. The applicant is suffering from paralysis for the last 20 years and was surviving on the rent of his property, which was rented out to the Government for housing the Taluka Police Station in the said premises.

2. Learned AGP has strenuously opposed the application on the ground that he has a strong case on merits and the very entitlement of the applicant is at issue.

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3. Considering the above, the application is allowed and the applicant is allowed to withdraw the amount of Rs.70,000/- subject to filing of an affidavit/undertaking that in the event he suffers an adverse order in the Second Appeal, he would return the said amount of Rs.70,000/- without interest within two months from the date of such an adverse order. The applicant shall also submit his latest photograph alongwith a copy of the Aadhar Card or Voter Id card with the due identification by the learned Advocate.

4. List the Second Appeal for admission on 4.4.2018.

(RAVINDRA V. GHUGE, J.)

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