

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10620 OF 2018
IN
WRIT PETITION NO. 5912 OF 2016

with CA/10616/2018 in WP/5904/2016
with CA/10617/2018 in WP/5922/2016
with CA/10618/2018 in WP/5920/2016
with CA/10619/2018 in WP/5905/2016
with CA/10621/2018 in WP/5908/2016
with CA/10622/2018 in WP/5906/2016
with CA/10623/2018 in WP/5916/2016
with CA/10624/2018 in WP/5924/2016
with CA/10625/2018 in WP/5911/2016
with CA/10626/2018 in WP/5909/2016
with CA/10627/2018 in WP/5914/2016
with CA/10628/2018 in WP/5903/2016
with CA/10629/2018 in WP/5910/2016
with CA/10630/2018 in WP/5917/2016
with CA/10631/2018 in WP/5915/2016
with CA/10632/2018 in WP/5902/2016
with CA/10633/2018 in WP/5907/2016
with CA/10634/2018 in WP/5913/2016
with CA/10635/2018 in WP/5921/2016
with CA/10636/2018 in WP/5901/2016
with CA/10637/2018 in WP/5918/2016
with CA/10638/2018 in WP/5919/2016
with CA/10639/2018 in WP/5923/2016
with CA/10640/2018 in WP/5900/2016

TUKARAM SAKHARAM KHANDEBHARAD
VERSUS
THE MAHARASHTRA STATE CO-OPERATIVE BANK LTD
AND OTHERS

Advocate for Applicant : Mr. Y.P. Deshmukh, Mr. R.C. Bora
h/f. Mr. S.B. Kadu and Mr. S.V. Kuptekar.
Advocate for Respondent No. 1 : Mr. A.G. Kulkarni.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 05th October, 2018

PER COURT :

1. In all these applications, the applicants pray for withdrawal of amount. It is stated that an amount of Rs. 50 Lakhs, has been deposited by respondent No. 1/Bank. The original petitioner and these 25 applicants, therefore, pray for withdrawal of the said amount in equal proportions.

2. Learned counsel for the original petitioner relies upon the affidavit-in-reply dated 05/09/2018, by which, it is contended in paragraph Nos. 4 to 6, that the purchaser has preferred SLP No. 2845/2017 before the Apex Court along with 17 other connected petitions for challenging the directions of this Court dated 02/09/2016 that the purchaser as well as the petitioner/Bank would deposit an amount of Rs. 50 Lakhs. It is informed that the Hon'ble Apex Court has protected the purchaser to the extent of the order of depositing money, since the purchaser contends that it has paid an amount of Rs. 9 Crores in excess, to the petitioner/Bank in view of the auction purchase.

3. Learned counsel fairly states that the original

petitioner/Bank has not approached the Hon'ble Apex Court and has deposited Rs. 50 Lakhs in this Court pursuant to the directions.

4. By order dated 29/06/2018, passed by this Court in a group of Civil Applications bearing No. 1179/2018 and other applications, by which, the applicants were permitted to withdraw Rs. 1 Lakh, pending the final decision in the Writ Petitions. I find that these applicants are also relying upon the said order and contend that they are in a bad financial condition and would require the disbursement of their legal dues in view of the judgment of the Industrial Court.

5. Considering the above, all these applications are partly allowed to the extent of the disbursement of Rs. 1 Lakh to each of these applicants. Their request for withdrawal of the entire amount in equal proportions is, therefore, not accepted.

6. In view of the above, by partly allowing these applications, each of these applicants is permitted to withdraw an amount of Rs. 1 Lakh by tendering an affidavit undertaking to the effect that if the applicants suffer an adverse order in these petitions, they would deposit the withdrawn/excess amount in this Court within

eight weeks. They shall tender their recent photograph as well as a copy of their address proof/Aadhar Card or Election Commission Voter Identity Card for withdrawing the said amount under identification of their advocates.

7. The remaining amount shall be invested by the Registry in a Nationalized Bank in fixed deposit scheme for an initial period of one year and to be renewed thereafter, until the decision in the Writ Petitions.

(RAVINDRA V. GHUGE, J.)

S.P.C.