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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10562 OF 2018 IN
WRIT PETITION NO.9962 OF 2017

Syed Waseem Syed Sahab ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri S.S.Thombre, Advocate for applicant
Shri S.S. Dande, A.G.P. for State
Shri V.J. Dhage, Advocate for respondents No.5 and 6
.....

CORAM: PRASANNA B. VARALE AND
 MANISH PITALE, JJ.

DATED : 11th OCTOBER, 2018.

ORAL ORDER :

1. By way of this Civil Application, the applicant/ petitioner prays for withdrawal of the amount. It is submitted that, in view of the orders of this Court, the respondents No.5 and 6 have deposited an amount of Rs.4,32,000/- in this Court. It is submitted in the application that, since 2010 the applicant is not getting any salary from the respondents.

2. Per contra, Mr. Dhage, learned counsel for respondents No.5 and 6 submitted that the amount of Rs.10 Lakhs and odd is paid to the petitioner and the petitioner accepted the amount with an endorsement on the receipt. The

learned counsel submitted that, this stand was also taken by the management in earlier round of litigation and the Division Bench of this Court was not inclined to go into the aspect of this disputed document. Learned counsel Mr. Dhage further submitted that, to show the bonafides, an amount of Rs.4,32,000/- is deposited in this Court.

3. Considering these rival submissions, we permit the applicant to withdraw 50% of the amount deposited by the respondents No.5 and 6. Needless to state that, the deposit of the amount of Rs.4,32,000/- by respondents No.5 and 6 and the 50% withdrawal of the said amount by the applicant/ petitioner is subject to final outcome of the petition.

4. Though the learned counsel for the applicant prays for withdrawal of 100% amount, in view of the disputed facts referred to above by us, we are not inclined to accept the prayer for withdrawal of 100% amount.

5. Civil Application is disposed of accordingly.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-

Faridkhan
Mahammadkhan
Pathan

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by Faridkhan
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Date: 2018.10.12
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