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

**CIVIL APPLICATION NO.12369 OF 2018
IN
CONTEMPT PETITION NO.572 OF 2016**

The State of Maharashtra & anr. ..APPLICANTS

VERSUS

Sitaram Subhanrao Dhande ..RESPONDENT

Mr G.O. Wattamwar, A.G.P. for applicants;
Mr V.S. Panpatte, Advocate for respondent

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

DATE : 5th October, 2018

ORAL ORDER:

Heard learned Asstt. Govt. Pleader on behalf of the applicants and Mr Panpatte, learned Counsel on behalf of respondent.

2. The basic prayer in the application is prayer clause (B) and the same reads thus :

“(B) This Hon'ble Court may direct the Registry to pay amount deposited in this Hon'ble High Court to the Petitioner from the date of filing of the Writ Petition i.e. 24/04/2013 and remaining amount to be paid to the Applicant State Government.”

(1)

3. The respondent is before this Court submitting that there is non compliance of the order of this Court dated 3rd March, 2016, passed in Writ Petition No.5100 of 2013.

4. Learned Asstt. Govt. Pleader invited our attention to the statement of facts made in the application in paragraphs 1 to 3 and then submitted that during pendency of the contempt petitions, the State Government deposited the entire amount i.e. the amount from the date of the initial application of the respondent from 9th October, 1990. It is then stated that in view of the order of the Honourable the Apex Court, the respondent is entitled to receive the monetary benefit only from 24th April, 2013 i.e. from the date when the respondent filed the petition before this Court. Learned Asstt. Govt. Pleader then invited our attention to the copy of the order passed by the Honourable the Apex Court, annexed to the application as well as a statement in a tabular form i.e. at Exh.C. It is submitted that the State Government has deposited an amount of Rs.11,93,213/-. The respondent would be entitled to receive the amount to the tune of Rs.6,17,802/- till September, 2018 and then it is submitted that on satisfaction of the claim of the respondent, the remaining amount i.e. Rs.5,75,411/- be permitted to be withdrawn along with interest accrued thereon. The office record shows that the applicant – State of Maharashtra deposited amount of Rs.11,93,213/- by way of Demand Draft No.39360, dated 4th February, 2017 on 7th February, 2017.

(2)

5. Mr Panpatte, learned Counsel appearing on behalf of the respondent is not disputing the aforesaid factual position. Mr Panpatte also admits that the claim of the respondent is satisfied with the amount of Rs.6,17,802/- till September, 2018 and fairly admits that the remaining amount be permitted to be withdrawn by the State Government.

6. In view of above, the applicant-State Government is permitted to withdraw amount of Rs.5,75,411/- together with interest accrued thereon and the respondent is permitted to withdraw the amount of Rs.6,17,802/- together with interest accrued thereon.

Thus, the Contempt petition as well as civil application stand disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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