

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14925 OF 2018
(Farzana Begum Mohammad Sayeed and others Vs. Rana Tilakraj
Brijlal Khurana and others)

IN
CIVIL APPLICATION NO.2504 OF 2018
IN
A.O. NO.53 OF 2017

Mr.H.I.Pathan, Advocate for the applicants.
Mr.S.R.Bodade, Advocate for respondent Nos. 9 and 10.
Mr.A.S.More h/f Mr.S.S.Rathi, Advocate for respondent No.1.
Mr.S.D.Munde h/f Mr.S.S.Gangakhedkar, Advocate for respondent
No.11.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 14/12/2018

PER COURT :

1. The applicants have moved this application pursuant to the order passed by this Court (Coram : Sunil P.Deshmukh, J.) dated 11/04/2018 in CA No.2504/2018 and the subsequent order passed by the same Court dated 07/09/2018 in CA No.8443/2018. Learned Advocate appearing on behalf of respondent Nos. 2 and 3 submits that they have no objection for permitting these applicants to withdraw the amounts through applicant No.1

2. The applicants submit that applicant Nos. 2 to 15 have executed a General Power of Attorney in favour of applicant no.1

authorizing her to withdraw the entire amount as directed by this Court, for and on behalf of all the applicants. Applicant No.1 is willing to file an undertaking affidavit in this Court while tendering the application for withdrawal of amount thereby indemnifying applicant Nos.2 to 15. The order dated 11/04/2018 takes care of the liability of the applicants to re-deposit the amount if they suffer an adverse order in appeal from order No.53/2017.

3. Learned Advocate for original respondent No.1 objects. None present for respondent Nos. 11 to 13. Learned Advocate for respondent No.4 also objects. None present for respondent Nos. 5 and 6.

4. I do not find any difficulty in allowing this application since this Court has earlier passed a detailed order on 11/04/2018 and then on 07/09/2018.

5. As such, this application is allowed in terms of the order dated 11/04/2018 and 07/09/2018 passed by this Court. The applicant No.1, while tendering an application for withdrawal and the undertaking, shall add one more clause to the affidavit that applicant No.1 Farzana Begum Mohd. Sayeed would indemnify the original

petitioner as against any claim made by applicant Nos. 2 to 6, 7A to 7J and 8 in the event of any dispute that they have not received appropriate amounts or similar other disputes. In view of such indemnifying clause, the original petitioner shall not be answerable to any dispute/claim of these applicants and no liability would be created on the petitioner, directly or indirectly, to the extent of the amount withdrawn by applicant No.1.

(Ravindra V.Ghuge, J.)