

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

CIVIL APPLICATION NO. 948 OF 2018
IN
CIVIL REVISION APPLICATION NO. 119 OF 2017

Abhaykumar Achutrao Diwan .. Applicants

versus

Kerba s/o Dasrath Aagle and others .. Respondents

Mr N. L. Jadhav, Advocate for applicants

Mr. C. R. Deshpande, Advocate for respondents no.1 to 16

CORAM : SUNIL P. DESHMUKH, J.

DATE : 5th October, 2018

ORDER :

1. Since time schedule prescribed under order dated 20-07-2017 passed in civil application no. 3723 of 2017 for payment of ₹ 25,000/- to library of high court bar association, Aurangabad Bench could not be adhered to, present civil application seeking revocation of said order. However, amount came to be deposited on 11-09-2018 in

compliance of order dated 20-07-2017. There is no dispute in this respect.

2. As such, this civil application, in view of aforesaid, does not require any further prosecution and is accordingly disposed of.

3. Learned counsel for the parties refer to that an amount of ₹ 10,000/- has been deposited in trial court by present respondents.

4. Learned counsel Mr. N.L. Jadhav for the applicant submits that said amount be transmitted to applicant at Pune, for, lot of expenses had been incurred in serving respondents in civil application.

5. Learned counsel for respondents Mr C.R. Deshpande has no particular objection.

6. Learned counsel Mr. N. L. Jadhav submits that applicant is physically not in a position to move and stays at Pune. He requires aid of person to take him along. In the circumstances, he requests that amount said amount of ₹ 10,000/- may be paid to applicant through demand

draft drawn in his name and requests that the demand draft may be handed over to him for onward transmission of the same to the applicant at Pune.

7. As such, trial court may be moved for an order to draw demand draft in favour of applicant by respondents in this civil application and respondents shall pick up the same from trial/executing court and hand it over to learned counsel for applicant in civil application at Aurangabad and obtain a receipt in respect of the same.

8. Learned counsel for applicant in this civil application to give acknowledgment of receipt of demand draft to respondent who shall furnish the same to executing / trial court. Learned counsel for applicant as well to transmit demand draft to applicant and keep record of remittance and acknowledgement of receipt of the same.

9. Civil application is disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-