

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.976 OF 2018
IN
WRIT PETITION NO.42 OF 1986**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Girish R. Agrawal, Advocate for Applicant.

Mr. G.S. Hiranandani i/b. C.G. Gavnekar, Advocate for respondent Nos.1 (a) to 1(d) (L.Rs. of Orig.Petitioner)

CORAM : R. G. KETKAR, J.

DATE : 25/04/2018

P.C.:

1. Heard Mr.Girish Agrawal, learned Counsel for the applicant and Mr.G.S. Hiranandani, learned Counsel for respondents No.1(a) to 1(d).

2. By this application, the applicant who was respondent No.1 in Writ Petition No.42/1986 seeks direction against the Deputy Registrar, Decree Department, High Court (Appellate Side) to issue the balance amount in the name of Madhukar Narayan Saraph @ Shri Madhukar Narayan Ugaonkar.

3. Mr. Agrawal states that he is not seeking any relief against respondents No.2 and 3 in the present application and seeks leave to delete them. On the motion made by Mr. Agrawal, leave to delete respondents No.2 and 3 is granted. Amendment shall be carried out forthwith.

4. Mr. Agrawal invited my attention to Civil Application No.1767/1989 taken out by original petitioner and in particular cause title of that application as also prayer clause (a) made in

that application. He submitted that even the petitioner has described the applicant as Madhukar Narayan Saraph (Ugaonkar). In that application, prayer (a) was made for issuing fresh notice to Madhukar Narayan Saraph (Ugaonkar).

5. He submitted that this Court by order dated 8.12.2016 recorded that respondent No.1 in the Petition had deposited amount of Rs.7 Lakhs in this Court. In view of the statements made on behalf of respondent No.1 that the petitioners are entitled to withdraw an amount of Rs.2,50,000/-, the respondent No.1 was permitted to withdraw the remaining amount together with accrued interest if any. He submitted that the Registry is not permitting withdrawing that amount on the ground that name of the applicant is mentioned as Madhukar Narayan Saraph and not Madhukar Narayan Saraph (Ugaonkar).

6. Mr. Hiranandani states that the original petitioner has withdrawn the amount of Rs.2,50,000/-.

7. In view thereof, Civil Application is allowed in terms of prayer clause (b). Registry is directed to issue the balance amount in favour of Madhukar Narayan Saraph @ Shri Madhukar Narayan Ugaonkar along with accrued interest, if any, Order accordingly.

(R. G. KETKAR, J.)