

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1032 OF 2018
IN
WRIT PETITION NO.3773 OF 2018

...
Durgadas Gangadhar Bagul & Ors.Applicants/Petitioners

V/S

Pravara Sahakari Bank Ltd.
through its Authorised Officer & Anr.Respondents

...
Mr. Anant Vadgaonkar for the Applicants/Petitioners.
Mr. Amey Deshpande for the Respondents/Bank.
...

**CORAM : A.A. SAYED &
RAVINDRA V. GHUGE, JJ.**
DATE : 27 APRIL 2018.

ORDER:

1 This Civil Application essentially seeks to recall the order dated 4 April 2018 disposing of the Petition and also seeks leave to amend the Petition.

2 While disposing of Writ Petition No.3773 of 2018 we had passed the following order on 4 April 2018:

“1. The prayers in the Petition are as follows:

(a) This Hon'ble Court may kindly be pleased to permit the Petitioners to withdraw the amount of Rs.17,50,000/- deposited with the Ld. Registrar, D.R.A.T., Mumbai in view of order dated 19.11.2014 as the charge of

the bank has been satisfied and the Appeal No.159 of 2012 has been dismissed for default.

(b) That this Hon'ble Court further may kindly be pleased to direct the deposited with the Ld. Registrar, D.R.A.T., Mumbai to repay the said amount of Rs.17,50,000/- to the Petitioners upon such terms and conditions deems fit and proper by this Hon'ble Court.

(c) Any other further order be passed in the interest of justice.”

2. Learned Counsel for the Respondent-Bank on instruction from Mr. Bhimashankar Sadashiv Aandhale states that since all the dues have already paid by the Petitioner-borrower, the Respondent-Bank has no objection to allow the Petitioner to withdraw the amounts.

3. In the circumstances, the Petition is allowed in terms of prayer clause (a). The Petitioner shall also be paid the accrued interest, if any.

4. The Petition to stand disposed of.”

3 According to the Applicants/Petitioners it was inadvertently stated that the amount was deposited with the Registrar, DRAT when in fact the amount is lying with the Respondent Bank.

4 By consent, we recall the order dated 4 April 2018 passed in Writ Petition No.3773 of 2018. We also permit the Petitioner to amend the Petition in terms of prayer clauses (a) and (b).

5 The Civil Application to stand disposed of accordingly. Amendment to be carried out forthwith.

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(RAVINDRA V. GHUGE, J.)

(A.A. SAYED, J.)