

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10580 OF 2018

Smt. Sunita Ankush Parab and another ...Petitioners
Versus
State of Maharashtra and others ...Respondents

Mr. Kishor Tembe, Advocate for the Petitioners.
Mr. S. H. Kankal, AGP for the Respondent – State.
Mr. N. N. Bhadrashete, Advocate for Respondent No.4.

CORAM : REVATI MOHITE DERE, J.

DATED : 28th SEPTEMBER 2018

P.C.:

1] At the outset, learned AGP raises a preliminary objection. He submits that the Petitioners ought to have filed an application seeking refund/repayment of the 50% deposit amount lying with the District Deputy Registrar, Mumbai, before the District Deputy Registrar, itself, as the said amount was deposited by the Petitioners, with the said authority, at the time of filing of the Revision Application.

2] Considering that an application for refund/repayment of the deposit amount in Revision Application No.50 of 2017 can be considered and decided by the District Deputy Registrar, Mumbai, it would be appropriate to relegate the parties to the District Deputy Registrar.

3] Needless to state, that if an application for refund/repayment of the amount deposited by the Petitioners before the District Deputy Registrar is filed by the Petitioners, the District Deputy Registrar shall consider the said application for refund/repayment on its own merits, in accordance with law. It is made clear that the Petition has not been considered on merits. If an application is filed within one week, the District Deputy Registrar shall decide the same as expeditiously as possible and in any event on or before 25th October 2018. The Petition is disposed of in the aforesaid terms. All contentions of the parties are kept open.

All concerned to act on the authenticated copy of this order.

Balaji
Govindrao
Panchal

Digitally signed by
Balaji Govindrao
Panchal
Date: 2018.10.01
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(REVATI MOHITE DERE, J.)