

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.22639 OF 2018

Kaushal Kumar Parmar .. Petitioner
Vs.
Prakash Kesharmal Parmar & Ors. .. Respondents

Mr.Aseem Naphade i/by Mr.A.P. Singh for the petitioner.
None for the respondents.

CORAM : R.D. DHANUKA, J.
DATE : 14th September 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 25th April 2018 passed by the learned District Judge, Pune in Regular Civil Appeal No.242 of 2017 rejecting the application below Exhibit-33 in the review application filed by the decree holder directing the petitioner to deposit an amount of Rs.6,90,84,675/- in the Court.

2. It is not in dispute that the learned trial Judge passed a decree for partition against several defendants including the petitioner herein on 14th March 2017. It is also not in dispute that the petitioner has sold the property more than his entitlement under decree dated 14th March 2017 and did not challenge the said decree dated 14th March 2017. Such sale was effected on 3rd November 2017. In view of the sale of one of the properties by the petitioner, the original plaintiff had filed an application inter alia praying for deposit of the amount alleged to have been received by the petitioner i.e. an amount of Rs.6,90,84,675/-. The learned trial Judge directed the petitioner to deposit an amount of

Rs.6,90,84,675/- received against the sale deed on 3rd November 2017 in the review application filed by the decree holder. In my view, since the petitioner had sold the property inspite of decree passed by the trial Court and that also the larger property than his entitlement, according to the petitioner, under the said decree, I do not find any infirmity in the impugned order dated 25th April 2018 passed by the learned District Judge, Pune. The petitioner is directed to deposit an amount of Rs.6,90,84,675/- in the Court. Writ petition is dismissed. No order as to costs.

R.D. DHANUKA, J.