

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13504 OF 2018

Advance Home Makers Group
Through Its Proprietor

.. Petitioners

V/s.

Vishnu Chander Bhoir

. Respondent

Mrs.Prabha Bhadadare I/b Mr.P.R.Arjunwadkar for the petitioners

Mr.Vijay S. Gharat for the respondent

CORAM: K.K. TATED, J

DATED : DECEMBER 4, 2018

P.C. :

1 Heard.

2 After arguing for some time, both the counsel filed minutes of order dated 04.12.2018. Same is taken on record and marked 'X' for identification which reads thus:

"MINUTES OF ORDER

1. The dispute between petitioner and Respondent is regarding the withdrawal of balance amount of consideration deposited by petitioner with executing court.

2. The Respondent though is bound by compromise decree passed in Special Civil Suit No.159 of 2017 has created 3rd party interest in respect of suit property after receipt of consideration of amount of Rs.29,56,250/- and Rs.46,25,000/- and had filed Application for withdrawal of balance amount of Rs.16,86,750/- deposited by petitioner without impleading petitioner as party Respondent and said application has been allowed.

3. In view of the aforesaid facts and circumstances following order is passed.

(a) Impugned order dated 26.4.2018 passed by Civil Judge Senior Division Panvel in Misc. Civil Application No.36/2017 below Ex.1 is hereby quashed and set aside.

(b) Respondent is granted liberty to file fresh application for withdrawal as amount by impleading petitioner as party Respondent.

(c) The said Application if preferred by Respondent may be disposed of in accordance with Law after giving opportunity to both party.

(d) There is no order as to cost.

(e) Writ petition disposed of accordingly.”

3 Writ Petition stands disposed of in terms of minutes of order. No order as to costs.

(K.K. TATED, J.)