

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CAN No. 18 of 2016 in Contempt Petition No. 46 of 2010
in
Second Appeal No.289 of 2003
(Mohammad Sahukat Umar Kazi s/o Abdul Kadir Kazi .vs. Mohammad Irshad
Qumar s/o Abdul Kadir Kazi and another.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. S.O. Ahmed, Advocate for Respondent No.1.

CORAM : Manish Pitale, J.
DATED : April 03, 2018.

This is an application seeking withdrawal of amount of Rs.1,60,000/- deposited by the respondent no.1 in this Court. The said amount was towards consideration received by the respondent no.1 when he had disposed of the suit property during pendency of Second Appeal No. 289 of 2003. The second appeal stood dismissed as withdrawn on 5.2.2014 and the contempt petition bearing No. 46 of 2010 stood dismissed in default on 10.09.2013, as the parties settled their dispute amicably.

The notice was issued on this application and the appellant was served and none appears on his behalf, perhaps because the dispute between the parties has been already settled amicably.

Therefore, for the reasons stated in the application and in view of the fact that the parties have already settled the dispute, this application is allowed

and the respondent no.1 is permitted to withdraw the amount of Rs.1,60,000/- along with accrued interest. Application stands disposed of accordingly.

JUDGE

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