

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

CIVIL APPLICATION NO.2503/2018 IN FIRST APPEAL NO.212/2000 (D)

State of Maharashtra..v.s. Devidas s/o Sadashiv Apte

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

Court's or Judge's orders.

Mr. S. V. Ingole, Advocate for appellant (Ori. Respondent)
Mr. I. Damle, A.G.P. for non applicant-State (Ori. Appellant)

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 11, 2018

1. Heard Mr. Ingole, learned counsel for the applicant-original respondent and Mr. Damle, learned counsel for non applicant-original appellant.

2. The present application is moved by the original respondent seeking directions that the appellant should deposit the entire decretal amount as per the order dated 12.09.2014 passed by this Court in the appeal.

3. In response to the notice to this application, affidavit of Mr. Prmod Bhusari is filed on record. In affidavit, it is stated that at the time of challenging the judgment and award in the present appeal, the State has already deposited the amount vide cheque No.572570 dated 18.07.2000, before learned trial Court. However, the said fact remained to be pointed out before this Court at the time of final disposal of this appeal.

4. In view of this particular submission, the learned counsel for the applicant submits that he is not pressing the present application. Hence, the application is disposed of as not pressed.

5. The State has already deposited the amount under judgment and award before the reference Court. The appeal filed by the appellant-State is already dismissed by this Court. Therefore, the applicant-respondent will be entitled to withdraw the amount deposited by the appellant-State before the reference Court along with interest accrued thereon.

JUDGE

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