

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

CIVIL APPLICATION 126 OF 2018

(Mohd. Shaukat Umar Kazi..vs.. Mohd. Irshad Qumar anr)

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

Court's or Judge's orders.

Shri S.O. Ahmad, counsel for respondent 1(A) to (C).

CORAM: ROHIT B. DEO, J.

DATE: 21st December, 2018.

The respondents 1(A) to 1(C) are the legal heirs of original respondent 1 who expired on 8.9.2017.

2 The legal heirs of respondent 1 are brought on record in view of order 28.11.2018.

3 In view of the amicable settlement, the respondent 1 has filed Civil Application 18 of 2016 for withdrawal of amount of Rs. 1,60,000/- deposited by respondent 1 in this Court, alongwith accumulated interest. The said application was allowed by order dated 3.4.2018 and respondent 1 was permitted to withdraw the amount.

4 It appears that it was not within the knowledge of the learned counsel, when the order dated 3.4.2018 was passed, that respondent 1 expired. It is in these circumstances that the present application is preferred.

5 The application is allowed.

6 The respondents 1(A) to 1(C), who are legal heirs of deceased respondent 1 are permitted to withdraw the amount of Rs. 1,60,000/- deposited in this Court alongwith accumulated interest.

7 Civil Application is disposed of accordingly.

JUDGE

RSB