

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4834 OF 2018  
IN  
WRIT PETITION NO.4707 OF 2006

THE AHMEDNAGAR DIST. CENTRAL CO-OP BANK LTD.  
VERSUS  
LAXMAN EKNATH JAGTAP & ORS

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Advocate for Applicant : Shri Rajale G.B.  
AGP for Respondents 10 & 11 : Shri Bhagat N.T.  
Advocate for Respondent 1 : Shri Bhavar N.R.  
Advocate for Respondents 4 & 8 : Shri Shinde A.D.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: April 15, 2019

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PER COURT :-

1. The applicant / Bank, original respondent No.1 in the Writ Petition, prays for withdrawing of the amount of Rs.4,00,000/- deposited by the petitioner in this Court, pursuant to the order of the Court dated 16.1.2015. It is submitted that if the said amount with interest is withdrawn, it would be adjusted against the loan account of the original petitioner and that would reduce the interest burden upon the petitioner, considering the rate of interest agreed between the parties.

2. Learned Advocate for the petitioner opposes the Civil Application. In the alternative, it is submitted that the withdrawal of the amount shall be subject to the result in the Writ Petition.

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3. Shri Shinde, learned Advocate joins the petitioner in opposing the civil application.

4. Considering the above, the civil application is partly allowed. The Bank is allowed to withdraw the amount of Rs.4,00,000/- along with entire accrued interest from this Court, with the direction that if the petitioner succeeds in the petition, the Bank would repay the amount by depositing the same in this Court within six weeks from any such order along with the interest amount which they have withdrawn from this Court as well as prospective interest post withdrawal of amount, at the same rate of interest, which the Bank charged the petitioner.

5. In addition to the above, list the Writ Petition for final hearing on 8.8.2019.

( RAVINDRA V. GHUGE, J. )

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