

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5889 OF 2017

(Mir Alam Khan s/o Kalandar Khan Vs. The State of Maharashtra
and others)

WITH

CIVIL APPLICATION NO.8596 OF 2018

IN

WRIT PETITION NO.8277 OF 2010

Mr.N.P.Patil Jamalpurkar, Advocate for the applicant.
Mr.N.T.Bhagat, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 29/03/2019

PER COURT :

1. The applicant/original petitioner has filed the first civil application for seeking withdrawal of Rs.25,00,000/- out of the amount of Rs.86,18,830/- that was deposited by the Government of Maharashtra in this Court. It is also prayed that the petition be listed for final hearing.

2. I find from the record that an order was passed on 09/12/2011 (Coram : K.U.Chandiwal, J.) on CA No.11981/2011 by which the petitioner/applicant was granted liberty to withdraw Rs.50,00,000/- by tendering a solvent surety and an undertaking. Rest of the

amount was directed to be invested in fixed deposit receipt in the Nationalized Bank.

3. On 31/01/2012, this Court (Coram : K.U.Chandiwal, J.) passed an order on CA No.487/2012 modifying the earlier order. It was then directed that the petitioner would furnish an undertaking to the satisfaction of the Registrar (Judicial) as regards reimbursing the amount to the extent of Rs.25,00,000/- and thus withdraw that amount. A further direction was passed that solvent surety or bank guarantee shall be furnished to withdraw the remaining Rs.25,00,000/-. The rest of the amount was directed to be invested in FDR as per the earlier order.

4. Considering the above, I am of the view that the modified directions dated 31/01/2012 need not be further modified. Instead, the writ petition could be listed for final hearing at an early date.

5. In view of the above, the first civil application stands disposed of. List WP No.8277/2010 for final hearing on 18/04/2019.

6. The second Civil application is filed by such applicants to seek impleadment in the writ petition. The said application shall be

- 3 -

considered alongwith the writ petition at the final hearing stage.

(Ravindra V.Ghuge, J.)