

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

917 CIVIL APPLICATION NO.612/2019 IN FAST/13325/2017

KURUM VASANTRAO BORUDE @BORHADE
VERSUS
MANGAL VIJAY BORHADE @ BORUDE AND ANR

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Advocate for Applicants : Mr. MR Mundhe,
Mr. Pahilwan Gautam J.Adv. For Resp.No.1.
Mr. S. R. Bodade For R /5.

CORAM : P.R. BORA, J.
DATED : 15th January, 2019.

PER COURT:-

1. The present application is filed with the following prayers, -

"A) This application may kindly be allowed;

B) Not to disburse applicant's amount through Adv. Patil Ganesh S. and discharge appearance of Adv. Patil Ganesh S.

C) The amount of applicant may be disburse through her present Advocate"

2. The record shows that earlier, CA No. 3761/2018 was filed seeking withdrawal of the amount by original Respondent No.4 viz. Kusum Vasantrya Borude @ Borhade.

3. This Court (Coram: Sunil P.Deshmukh,J.) vide order passed on 6th April, 2018, has allowed the original claimant No.1 to withdraw the amount

(2)

of Rs.2,50,000/- along with interest accrued thereon on furnishing an undertaking by the applicant that the amount so withdrawn would be paid back/re-deposited by her in this Court within three months from the date of decision in the appeal if the same goes against her.

4. It is informed that the amount has not been withdrawn as per the aforesaid order.

5. Now, in the present application, the applicant has come out with a case that she has not given power of attorney to her daughter and that she did not file any such application prior to this application. However, I do not wish to enter into the controversy, as has been raised in the present application. The previous applications was filed by Advocate Shri Ganesh Patil and the power of attorney was placed on record and considering the documents on record, this Court has permitted withdrawal of the amount.

6. If the Registry is directed to credit the amount of Rs.2,50,000/-, permitted to be withdrawn by this Court vide the order passed on 6th April, 2018 directly by way of ECS/NEFT/RTGS, in the account of the applicant – Kusum Vasantrao Borude @

(3)

Borhade, the entire controversy can be put to rest.
Order accordingly.

7. Without going into the merits of the
application, the application stands disposed of
with the aforesaid order.

(P.R. BORA)
JUDGE

bdv