

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 2435/2018

in

First Appeal No. 97/2002

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

Court's or Judge's orders.

Mr. Rajdeep Ghude I/b. Khandeparkar &
Associates for the Applicant
Mr. G. H. Keluskar for the Respondent

CORAM : K.K.TATED, J.

DATED : 18/03/2019

P.C.

Heard. By this Civil Application, the Applicant seeks permission to withdraw sum of Rs.1 lac with accrued interest lying in the Registry of this court. He submits that as per order dated 23.01.2002 passed by this court in Civil Application No. 5001/2010 the Appellant has deposited Rs.1,50,000/- in the Registry of this Court. He submits that this court by order dated 23.01.2002 permitted to withdraw sum of Rs.50,000/-. Hence, he made the present Civil Application for withdrawal of the same with accrued interest.

2 On the other hand, the learned counsel for the Appellant submits that they have no

objection if the amount is transferred to the Bombay City Civil Court, Mumbai in the account of Suit No.7262/1995, so that the Trial Court can permit the Plaintiff to withdraw the same, unconditionally. For this course of action, the learned counsel for the Applicant has no objection.

3 Hence, by consent, the following order is passed:

- a. Office is directed to transfer the sum of Rs.1 lac along with accrued interest, if any, lying in this court, to the Bombay City Civil Court, Mumbai in Suit No.7262/1995, immediately.
- b. Liberty granted to the Applicant - Plaintiff to make appropriate Application before the Trial Court for withdrawal of the same, which shall be decided on merits.
- c. No order as to costs.
- d. Civil Application stands disposed of accordingly.
- e. Parties to act on an authenticated copy of this order.

(K.K.TATED, J.)