

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2338 OF 2018
IN
WRIT PETITION NO. 333 OF 2011**

Anil Narayan Bhatkal .. Applicant

In the matter between

M/s. Magna Publishing Co. Ltd. .. Petitioner

Vs.

Anil Narayan Bhatkal .. Respondent

Mr. S. S. Pathak i/b. Mr. Aditya Hegde for the Applicant

CORAM : A.K. MENON, J.

DATED : 22nd JANUARY, 2019.

P.C. :

1. By this Civil Application the original respondent seeks to withdraw the amount deposited by the respondents pursuant to order passed by this Court on 2nd August, 2011 in Writ Petition No. 333 of 2011. It is the case of the applicant that the sum of Rs.2,05,412/- was deposited by respondent company on 7th September, 2011.

2. Although the petition was admitted by the order dated 2nd August, 2011 the same came to be dismissed on 21st December, 2015 along with Contempt Petition No. 266 of 2014. As on date the petition has not been restored. There is no application for restoration of this petition. It appears

that the petitioners are not interested in prosecuting the petition. Affidavit of service of Civil Application indicates that the Civil Application has been served on the original petitioner as evident from the postal tracking report – Exhibit B to the affidavit of service. Accordingly, I pass the following order :

(i) Civil Application is allowed in terms of prayer clause (A) to the extent of the amount deposited. If the amount is invested, the applicant will also be entitled to withdraw interest accrued, if any.

(ii) Civil Application disposed of in the above terms.

(A.K. MENON,J.)